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July 17, 1996

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THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: July 23, 1996 at 9:00 am.

WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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Reader Aids
Additional information, including a list of public laws, telephone numbers, reminders, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 61, No. 138
Wednesday, July 17, 1996

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 16

Removal of Obsolete Regulations

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule; removal of part.

SUMMARY: The Department of Agriculture is removing Part 16—Limitation on Imports of Meat, from Title 7 of the Code of Federal Regulations since this part is obsolete.

EFFECTIVE DATE: July 17, 1996.

ADDRESSES: Comments should be addressed to the Director, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6616–S, 14th and Independence Ave., S.W., Washington, D.C. 20250. All comments will be available for public inspection in room 6621–S at the above address.

FOR FURTHER INFORMATION CONTACT: Lisa Hardy-Bass, Livestock Group Leader, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6621–S, 14th and Independence Ave., S.W., Washington, D.C. 20250. Telephone: (202) 720–7217.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule is issued in conformance with Executive Order 12866. It has been determined to be neither significant nor economically significant for the purposes of E.O. 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Office of the Secretary is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Executive Order 12778

This rule has been reviewed under Executive Order 12778. The provisions of this rule are not retroactive and do not preempt state or local laws.

Background

The Department of Agriculture is removing Part 16—Limitation on Imports of Meat, from Title 7 of the Code of Federal Regulations since it is obsolete. Section 403 of the Uruguay Round Agreements Act, P.L. 103–465, 108 Stat. 4959, repealed the Meat Import Act of 1979, as amended (the Meat Import Act) (19 U.S.C. 2253 note), effective January 1, 1995. The Meat Import Act was the statutory authority for this part.

The Meat Import Act provided for the imposition of quotas on certain meat articles if imports exceeded a specified quantity determined according to a statutory formula. Under the Uruguay Round, a system of tariff rate quotas replaced the absolute quotas that could have been imposed pursuant to the Meat Import Act. Section 204 of the Agricultural Act of 1956, 7 U.S.C. 1854, provides authority for the President to negotiate voluntary restraint agreements on agricultural commodities. This authority was used to negotiate agreements with the principal meat exporting countries to limit their exports to the United States so that the trigger level for quotas under the Meat Import Act was not exceeded. These quantitative restrictions were then published in this part. The Meat Import Act has now been repealed.

List of Subjects

7 CFR Part 16

Agriculture Department, Imports, Meat and meat products.

Accordingly, Part 16—Limitation on Imports of Meat is removed.

Issued at Washington, D.C. this 10th day of July 1996.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 96–18090 Filed 7–16–96; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–162–AD; Amendment 39–9694; AD 96–14–09]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 96–14–09 that was sent previously to all known U.S. owners and operators of British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes by individual notices. This amendment supersedes a previously issued AD that currently requires installation of a placard prescribing special procedures to be followed when operating at certain flight levels with the engine and airframe anti-ice switch ON; modification of the air brake auto-retract function; and a revision to the Airplane Flight Manual (AFM) to include special procedures for operating in certain icing conditions. This new amendment adds a requirement to accomplish an additional revision to the AFM relative to altitude and operating limitations associated with flight in icing conditions above 26,000 feet. This amendment is prompted by reports of uncommanded engine thrust reductions

(rollback) when operating in certain icing conditions that exist in the vicinity of thunderstorms. The actions specified by this AD are intended to prevent engine power rollback during flight in icing conditions, a condition that could result in insufficient power to sustain flight.

DATES: Effective July 22, 1996, to all persons except those persons to whom it was made immediately effective by AD 96–14–09, issued July 2, 1996, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 22, 1996.

Comments for inclusion in the Rules Docket must be received on or before September 16, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–162–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information may be obtained from British Aerospace Holding, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington DC 20041–6039. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: On March 24, 1994, the FAA issued AD 94–07–09, amendment 39–8867 (59 FR 15042, March 31, 1994), applicable to all British Aerospace Model BAe 146–100A, –200A, and –300A airplanes. That AD requires:

1. installation of a placard, which prescribes special procedures when operating at certain flight levels with the engine and airframe anti-ice switch ON;
2. modification of the air brake auto-retract function; and
3. revisions to the FAA-approved Airplane Flight Manual (AFM), which prescribe certain altitude and operating limitations and procedures.

That AD was prompted by reports of uncommanded engine thrust reductions (rollback) when operating in certain icing conditions that exist in the vicinity of thunderstorms. The requirements of that AD are intended to prevent engine power rollback during flight in icing conditions.

Actions Since Issuance of Previous AD

Since issuance of that AD, the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that it has received two additional reports of uncommanded engine thrust reductions (rollback) when operating these airplanes in icing conditions at altitudes above 26,000 feet. In these incidents, the power level of one or more of the engine(s) simultaneously rolled back below the level set by the flightcrew. The engines failed to respond when the flightcrew attempted to restore power by moving the power controls. In one of these incidents, the airplane lost altitude before the flightcrew could restart the engines that are needed to arrest the descent of the airplane. In addition, some of these engines had exceeded their temperature limits during the rollback event and, consequently, the flightcrew had to shut down those engines in flight.

The cause of these engine power rollback incidents has been attributed to the accumulation of ice on a stator in the compressor section of the engine. If engine power rollback occurs during flight in icing conditions, it could result in insufficient power to sustain flight.

Explanation of Relevant Service Information

British Aerospace has issued the following Temporary Revisions (TR) to the AFM, all of which are dated July 1996:

1. TR 32, Issue No. 2, Document No. BAe 3.3 (for Model BAe 146–100A airplanes);
2. TR 44, Issue No. 2, Document No. BAe 3.6 (for Model BAe 146–200A airplanes); and
3. TR 25, Issue No. 2, Document No. BAe 3.11 (for Model BAe 146–300A airplanes).

These TR's prescribe certain altitude and operating limitations, which prohibit flight into known or forecast icing conditions above an altitude of 26,000 feet, and define procedures to be followed when icing conditions are inadvertently encountered above 26,000 feet.

The CAA has approved these AFM revisions and has issued British airworthiness directive 003–06–096, dated July 1, 1996, to mandate the described limitations and procedures in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusion

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of AD

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design registered in the United States, this airworthiness directive is issued to supersede AD 94–07–09. It continues to require installation of a placard, which prescribes special procedures when operating at certain flight levels with the engine and airframe anti-ice switch ON; and modification of the air brake auto-retract function. This new AD also requires additional new revisions to the FAA-approved AFM. These new revisions prescribe certain altitude and operating limitations, which prohibit flight into known or forecast icing conditions above an altitude of 26,000 feet, and define procedures to be followed when icing conditions are inadvertently encountered above 26,000 feet. The AFM revisions are required to be accomplished in accordance with the TR's described previously.

Interim Action

The requirements of this AD are considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Publication and Effectivity of AD

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on July 2, 1996, to all known U.S. owners and operators of British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes. These conditions still exist,

and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–162–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8867 (59 FR 15042, March 31, 1994), and by adding a new airworthiness directive (AD), amendment 39–9694, to read as follows:

96–14–09 British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Docket No. 96–NM–162–AD. Supersedes AD 94–07–09, Amendment 39–8867.

Applicability: All Model BAe 146–100A, –200A, and –300A airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this ad is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent engine power rollback during flight in icing conditions above an altitude of 26,000 feet, accomplish the following:

(a) For airplanes listed in British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992: Within 30 days after December 17, 1992 (the effective date of AD 92–24–09, amendment 39–8415), install a placard below the ice protection switches on the flight deck overhead panel to include additional procedures to be followed when operating at certain flight levels with the engine and airframe anti-ice switch ON, in accordance with British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992.

(b) For airplanes listed in British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992: Within 30 days after December 17, 1992 (the effective date of AD 92–24–09, amendment 39–8415), modify the air brake auto-retract function, in accordance with British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992.

(c) Within 6 days after the effective date of this AD, amend the FAA-approved Airplane Flight Manual (AFM) as required by paragraphs (c)(1) and (c)(2) of this AD.

(1) Remove the following Temporary Revisions (TR) from the Limitations Section and Normal/Abnormal Procedures Section, as applicable:

(i) For Model BAe 146–100A airplanes: TR 30, Issue No. 2 (Document No. BAe 3.3), dated February 1994.

(ii) For Model BAe 146–200A airplanes: TR 41, Issue No. 2 (Document No. BAe 3.3), dated February 1994, or TR 42, Issue No. 2 (Document No. BAe 3.3), dated February 1994, as applicable.

(iii) For Model BAe 146–300A airplanes: TR 23, Issue No. 2 (Document No. BAe 3.3), dated February 1994.

(2) Insert the following TR's into the Limitations Section and the Normal/Abnormal Procedures/Handling Section, as applicable.

(i) For Model BAe 146–100A airplanes: TR 32, Issue No. 2 (Document BAe 3.3), dated July 1996.

(ii) For Model BAe 146–200A airplanes: TR 44, Issue No. 2 (Document BAe 3.6), dated July 1996.

(iii) For Model BAe 146–300A airplanes: TR 25, Issue No. 2 (Document BAe 3.11), dated July 1996.

(d) When the TR's specified in paragraph (c)(2) have been incorporated into an AFM General Revision, the applicable AFM General Revision may be inserted into the corresponding FAA-approved AFM, provided the information contained in the AFM General Revision corresponds identically to that specified in TR 32, TR 44, or TR 25.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations

Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(f) Special flight permits may be issued in accordance with Sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) The AFM revisions shall be done in accordance with Temporary Revision (TR) 32, Issue No. 2 (Document BAe 3.3), dated July 1996 (for Model BAe 146–100A airplanes); TR 44, Issue No. 2 (Document BAe 3.6), dated July 1996 (for Model BAe 146–200A airplanes); and TR 25, Issue No. 2 (Document BAe 3.11), dated July 1996 (for Model BAe 146–300A airplanes); as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Holding, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington DC 20041–6039. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on July 22, 1996, to all persons except those persons to whom it was made immediately effective by emergency AD 96–14–09, issued July 2, 1996, which contained the requirements of this amendment.

Issued in Renton, Washington, on July 10, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–17984 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–161–AD; Amendment 39–9695; AD 96–14–51]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) T96–14–51 that was sent previously to all known U.S. owners and operators of Boeing Model 767 series airplanes by individual telegrams. This AD requires an inspection of the aileron control cables and the generator feeder cables to detect chafing damage of the cables and to ensure that a minimum clearance exists between them. It also requires the correction of any discrepancies detected and submission of a report of inspection results to the FAA. This amendment is prompted by reports of failure of the aileron control cables due to inadequate clearance between the aileron control cable and the generator power feeder cable, which occurred during manufacture of the airplane.. The actions specified by this AD are intended to prevent reduced controllability of the airplane due to failure of the aileron control cable.

DATES: Effective July 22, 1996, to all persons except those persons to whom it was made immediately effective by telegraphic AD T96–14–51, issued July 3, 1996, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 22, 1996.

Comments for inclusion in the Rules Docket must be received on or before September 16, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–161–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information may be obtained from Boeing Commercial Airplane Group, P. O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen S. Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2793; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: On July 3, 1996, the FAA issued telegraphic AD T96–14–51, which is applicable to certain Boeing Model 767 series airplanes. That action was prompted by two reports of failure of the aileron control cable on these airplanes. The failures have been attributed to inadequate clearance between the left side aileron control cable and the right generator power feeder cable, which occurred during manufacture of the airplane.

One of the reported failures resulted in uncommanded movement of the left side ailerons shortly after takeoff, which required significant compensating control wheel input to correct, and resulted in an air turnback to the departure airport. The uncommanded aileron movement occurred almost concurrently with the right generator tripping off-line. Investigation revealed that the aileron control cable A2B–3 was broken. Further investigation revealed that the right generator power feeder cable (W208) had been damaged (due to chafing) and approximately ¼-inch of the conductor was exposed. This cable is routed from the aft side of the P32 panel. The power feeder cable can chafe the aileron control cable (A2B–3) at approximately Station 340, Water Line (WL) 190, Right Buttock Line (RBL) 67.5. The airplane involved in this incident had accumulated 5,940 flight hours and 857 flight cycles.

The second reported failure occurred during a pre-flight control check of the airplane while it was on the ground. Investigation revealed that the left side aileron control cable was broken at the same approximate location as breakage found on the airplane involved in the previous incident. Additionally, the right generator power feeder cable was damaged.

Contact between the generator power feeder cable and the aileron control cable on either the left or right side of the airplane could result in chafing damage to the insulation on the feeder cable. Such damage could cause short circuiting and arcing, which could sever the aileron control cable. This condition, if not corrected, could result in failure of the aileron control cable, and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–24A0113, Revision 1, dated July 2, 1996, which describes procedures for a one-time inspection of the aileron control cable (A2B–3) and the right generator power feeder cable (W208) on the right side of the airplane, and the aileron control cable (A1A–3) and the left generator power feeder cable (W204) on the left side of the airplane. The intent of this inspection is to detect chafing damage of the cables, and to ensure that a minimum clearance of one inch exists between the power feeder cables and aileron control cables. The service bulletin also describes procedures for

repair or adjustment of the cables, if necessary.

Explanation of Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued Telegraphic AD T96–14–51 to prevent reduced controllability of the airplane due to failure of the aileron control cable. The AD requires a one-time inspection of the aileron control cables and the generator power feeder cables on the left and right sides of the airplane to detect chafing damage of the cables, and to ensure that a minimum clearance of one inch exists between them. The AD also requires repair or adjustment of the cables, if necessary. These actions are required to be accomplished in accordance with the alert service bulletin previously described.

This AD also requires that operators submit a report to the FAA of inspection findings where clearance is found to be less than one inch.

Publication and Effectivity of AD

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on July 3, 1996, to all known U.S. owners and operators of Boeing Model 767 series airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–161–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–14–51 Boeing: Amendment 39–9695. Docket 96–NM–161–AD.

Applicability: Model 767 series airplanes; line numbers 1 through 618 inclusive, except for line numbers 580, 590, 594, 598, and 600; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane due to failure of the aileron control cable, accomplish the following:

(a) Within 10 days after the effective date of this AD: Perform a one-time inspection of the aileron control cables and the generator feeder cables on both the left and right sides of the airplane to detect chafing damage of the cables, and to ensure that a minimum clearance of 1.0 inch exists between the power feeders and aileron control cables, in accordance with Boeing Alert Service Bulletin 767–24A0113, Revision 1, dated July 2, 1996.

(1) If a minimum clearance of 1.0 inch exists between the cables, and if no damage is detected: No further action is required by this AD.

(2) If the clearance between the cables is 0.5 inch or more, but less than 1.0 inch, and if no contact between the cables or damage of the cables is detected: Within 500 flight hours after the inspection, adjust the power feeder cable to achieve a minimum clearance of 1.0 inch from the respective aileron control cables, in accordance with the alert service bulletin.

(3) If the clearance between the cables is less than 0.5 inch, or if any contact between the cables or damage of the cables is detected: Prior to further flight, repair the damage and adjust the cables to achieve a minimum clearance of 1.0 inch from the respective aileron control cables, in accordance with the alert service bulletin.

(b) For any airplane on which damage of the aileron control cable or the generator feeder cable is observed, or for which clearance between the cables is less than 1 inch, as detected by the inspection required by paragraph (a) of this AD: Within 10 days after accomplishing the inspection, submit a report of inspection findings to the FAA, Manager, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax (206) 227–1181. The report shall include the items identified in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) the operator's name;

(2) the line number of the airplane;

(3) a brief description of the damage detected; and

(4) the amount of separation between the aileron control cable and the power feeder cable.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspection, adjustment, and repair shall be done in accordance with Boeing Alert Service Bulletin 767–24A0113, Revision 1, dated July 2, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on July 22, 1996, to all persons except those persons to whom it was made immediately effective by telegraphic AD T96–14–51, issued on July 3, 1996, which contained the requirements of this amendment.

Issued in Renton, Washington, on July 10, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–17982 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Docket No. 96–ACE–8]

Amendment to Class E Airspace, McCook, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at McCook Municipal Airport, McCook NE. The Federal Aviation Administration has developed a Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS) which has made this change necessary. The effect of this rule is to provide additional controlled airspace for aircraft executing the new SIAP at McCook Municipal Airport.

DATES: *Effective date.* October 7, 1996. *Comment date.* Comments must be received on or before August 16, 1996.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations Branch, Air Traffic Division, ACE–530, Federal Aviation Administration, Docket Number 96–ACE–8, 601 East 12th St., Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations Branch, ACE–530C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106: telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed a Standard Instrument Approach Procedure (SIAP) utilizing the Global Positioning System (GPS) at the McCook Municipal Airport, McCook, NE. The amendment to Class E airspace at McCook, NE, will provide additional controlled airspace to segregate aircraft operating under Visual Flight Rules (VFR) from aircraft operating under Instrument Flight Rules (IFR) procedures while arriving or departing the airport. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to either circumnavigate the area, continue to operate under VFR to and from the airport, or otherwise comply with IFR procedures. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the Federal Register indicating that no adverse or negative comments were received, confirming the date on which the final rule will become effective. If the FAA does receive an adverse or negative comment within the comment period, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the Federal Register, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 96–ACE–8.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—AMENDED

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE NE E5 McCook, NE [Revised]

McCook Municipal Airport, NE
(Lat. 40°12′22″N., long. 100°35′31″W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of McCook Municipal Airport and within 4 miles southwest and 6 miles northeast of the 120° bearing from McCook Municipal Airport extending from the 6.8-mile radius to 10.6 miles southeast of the airport and within 4 miles southwest and 6 miles northeast of the 325° bearing from McCook Municipal Airport extending from the 6.8-mile radius to 10.5 miles northwest of the airport.

* * * * *

Issued in Kansas City, MO, on June 27, 1996.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 96–18057 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Docket No. 96–ACE–7]

Amendment to Class E Airspace, Russell, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Russell Municipal Airport, Russell, KS. The Federal Aviation Administration has developed a Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS) which has made this change necessary. The effect of this rule is to provide additional controlled airspace for aircraft executing the new SIAP at Russell Municipal Airport.

DATES: *Effective date.* October 7, 1996. *Comment date.* Comments must be received on or before August 16, 1996.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations Branch, Air Traffic Division, ACE–530, Federal Aviation Administration, Docket Number 96–ACE–7, 601 East 12th St., Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations Branch, ACE–530C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106: telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed a Standard Instrument Approach Procedure (SIAP) utilizing the Global Positioning System (GPS) at the Russell Municipal Airport, Russell, KS. The amendment to Class E airspace at Russell, KS, will provide additional controlled airspace to segregate aircraft operating under Visual Flight Rules (VFR) from aircraft operating under Instrument Flight Rules (IFR) procedures while arriving or departing the airport. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to either circumnavigate the area, continue to operate under VFR to and from the airport, or otherwise comply with IFR procedures. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of

the comment period, the FAA will publish a document in the Federal Register indicating that no adverse or negative comments were received, confirming the date on which the final rule will become effective. If the FAA does receive an adverse or negative comment within the comment period, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the Federal Register, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 96–ACE–7.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—AMENDED

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE KS E5 Russell, KS [Revised]

Russell Municipal Airport, KS
(Lat. 38°52′20″N., long. 98°48′42″W.)
Hays VORTAC
(Lat. 38°50′52″N., long. 99°16′36″W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Russell Municipal Airport and within 4 miles each side of the 086° radial of Hays VORTAC extending from the 6.3-mile radius to 6.6 miles west of the airport and within 2 miles each side of the 354° bearing from Russell Municipal Airport extending from the 6.3-mine radius to 9.6 miles north of the airport and within 2 miles each side of the 174° bearing from Russell Municipal Airport extending from the 6.3-mile radius to 8.8 miles south of the airport.

* * * * *

Issued in Kansas City, MO, on June 14, 1996.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 96–18056 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 95

[Docket No. 28621; Amdt. No. 397]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published

aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, D.C. on July 5, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC,

1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, and 14 CFR 11.49(b)(2).

2. Part 95 is amended to read as follows:

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 397 effective date, August 15, 1996]

From	To	MEA
§ 95.1001 Direct Routes—U.S.		
B9		
Atlantic Routes is Added to Read		
Marathon, FL NDB *4000–MRA **1500–MOCA	*Deeds, FL FIX	**2000
§ 95.6099 VOR Federal Airway 99 is Amended to Delete		
Hartford, CT VORTAC *4000–MRA **2500–MOCA	*Graym, MA FIX	**3000
§ 95.6151 VOR Federal Airway 151 is Amended to Read in Part		
Gails, MA FIX	Inndy, RI FIX	2000
Inndy, RI FIX *1500–MOCA	Providence, RI VORTAC	*2000
§ 95.6175 VOR Federal Airway 175 is Amended to Read in Part		
Madup, IA FIX *3900–MRA	*Welte, IA FIX	5500
Welte, IA FIX	Sioux City, IA VORTAC	3000
§ 95.6189 VOR Federal Airway 189 is Amended to Read in Part		
Wright Brothers, NC VOR/DME *2000–MOCA	Tar River, NC VORTAC	*4000
§ 95.6233 VOR Federal Airway 233 is Amended to Read in Part		
Gaylord, MI VOR/DME *5000–MRA	*Dripe, MI FIX	3100
§ 95.6268 VOR Federal Airway 268 is Amended by Adding		
Tonni, MA FIX *5000–MRA	*Meshl, ME FIX	5000
Meshl, ME FIX	Sappe, ME FIX	3000
Sappe, ME FIX *1800–MOCA	Augusta, ME VOR/DME	*3000
Is Amended to Read in Part		
Inndy, RI FIX *6000–MRA	*Tonni, MA FIX	6000
§ 95.6451 VOR Federal Airway 451 is Amended to Delete		
Groton, CT VOR	Avonn, RI FIX	6000
Avonn, RI FIX	Inndy, RI FIX	2000
Inndy, RI FIX *6000–MRA	*Tonni, MA FIX	6000
Tonni, MA FIX	Seedy, NH FIX	5000

From	To	MEA	MAA
§ 95.7062 Jet Route No. 62 is amended to Delete			
Nantucket, MA VORTAC	Saile, MA W/P	18000	45000
§ 95.7086 Jet Route No. 86 is amended by Adding			
Beatty, NV VORTAC	Fuzzy, NV FIX	18000	45000
Fuzzy, NV FIX	Boulder City, NV VORTAC	29000	45000
§ 95.7092 Jet Route No. 92 is Amended to Read in Part			
Beatty, NV VORTAC	Boulder City, NV VORTAC	24000	45000

§ 95.7092 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

Airway Segment		Changeover Points	
From	To	Distance	From
J–92			
Beatty, NV VORTAC	Boulder City, NV VORTAC	12	Boulder City.

[FR Doc. 96–18059 Filed 7–16–96; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 94F–0398]

Indirect Food Additives; Adhesives and Components of Coatings

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 1,4-cyclohexanedicarboxylic acid as a polybasic acid for use in polyester resins intended for food-contact coatings. This action is in response to a petition filed by Eastman Chemical Co.

DATES: Effective July 17, 1996; written objections and requests for a hearing August 16, 1996.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of November 23, 1994 (59 FR 60364), FDA announced that a food additive petition (FAP 4B4431) had been filed by Eastman Chemical Co., P.O. Box 1994, Kingsport, TN 37662. The petition proposed to amend the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) to provide for the safe use of 1,4-cyclohexanedicarboxylic acid as a polybasic acid for use in polyester resins intended for food-contact coatings.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that the proposed use of the additive in polyester resins intended for food-contact coatings is safe, that the additive will have its intended technical effect, and therefore, that § 175.300 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before August 16, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 175.300 is amended in paragraph (b)(3)(vii)(*a*) by alphabetically adding a new item to read as follows:

§ 175.300 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(vii) * * *

(*a*) * * *

* * * * *

1,4-cyclohexanedicarboxylic (CAS Reg. No. 1076–97–7).

* * * * *

Dated: June 28, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–18069 Filed 7–16–96; 8:45 am]
BILLING CODE 4160–01–F

21 CFR Part 176

[Docket No. 96F–0070]

Indirect Food Additives: Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the additional safe use of ammonium zirconium lactate-citrate complexes for use as insolubilizers with protein binders in coatings for paper and paperboard intended for food-contact applications. This action is in response to a petition filed by Sequa Chemicals, Inc.

DATES: Effective July 17, 1996; written objections and requests for a hearing by August 16, 1996.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of March 8, 1996 (61 FR 9462), FDA announced that a food additive petition (FAP 6B4497) had been filed by Sequa Chemicals, Inc., One Sequa Dr., Chester, SC 29706–0070. The petition proposed to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of ammonium zirconium lactate-citrate complexes for use as insolubilizers with protein binders in coatings for paper and paperboard intended for food-contact applications.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use of the additive in paper and paperboard products in contact with food is safe. Based on this information, the agency has also concluded that the additive will have the intended technical effect. Therefore, § 176.170 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before August 16, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 379e).

2. Section 176.170 is amended in the table in paragraph (a)(5) by revising the entry for ''Ammonium zirconium citrate (CAS Reg. No. 149564–62–5)'' to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
* * * * * * *	
Ammonium zirconium citrate (CAS Reg. No 149564–62–5), ammonium zirconium lactate-citrate (CAS Reg. No. 149564–64–7), ammonium zirconium lactate (CAS Reg. No. 149564–63–6).	For use as insolubilizers with protein binders in coatings for paper and paperboard, at a level not to exceed 1.4 percent by weight of coating solids.
* * * * * * *	

* * * * *

Dated: June 28, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–18072 Filed 7–16–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 177

[Docket No. 95F–0332]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of polymethylsilsesquioxane as a surface lubricant or anti-blocking agent in polyolefin films intended for use in contact with food. This action is in response to a petition filed by GE Silicones.

DATES: Effective July 17, 1996; written objections and requests for a hearing by August 16, 1996.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of October 17, 1995 (60 FR 53789), FDA announced that a food additive petition (FAP 5B4484) had been filed by GE Silicones, c/o Hyman, Phelps & McNamara, P.C., 700 13th St. NW., suite 1200, Washington, DC 20005. The petition proposed to amend the food additive regulations in § 177.1520 *Olefin polymers* (21 CFR 177.1520) to provide for the safe use of polymethylsilsesquioxane as a surface lubricant or anti-blocking agent in polyolefin films intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will achieve its intended technical effect, and (3) the regulations in § 177.1520 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before August 16, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 177.1520 is amended in the table in paragraph (b) by alphabetically adding a new entry under the headings ''Substance'' and ''Limitations'' to read as follows:

§ 177.1520 Olefin polymers.

* * * * *

(b) * * *

Substance	Limitations
* * * * * * *	
Polymethylsilsesquioxane (CAS Reg. No. 68554–70–1).	For use only as a surface lubricant or anti-blocking agent in films.
* * * * * * *	

* * * * *

Dated: June 28, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–18070 Filed 7–16–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–96–043]

Temporary Deviation; Isle of Wight Bay Drawbridge, Ocean City, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation; request for comments.

SUMMARY: At the request of the Maryland Department of Transportation (MDOT), Commander, Fifth Coast Guard District has approved a temporary deviation from the regulations that govern the operation of the Route 50 drawbridge across Isle of Wight Bay, mile 0.5, located in Ocean City, Maryland. This temporary deviation will test the effects of restricted drawbridge openings for all vessels each Saturday between July 13 through August 31, 1996, between the hours of 1 p.m. to 5 p.m. During these times, the bridge need open only on the hour, and must remain in the open position until all waiting vessels pass. All other provisions of the existing regulation for the Route 50 bridge remain the same. This test is intended to help the Coast Guard determine if a permanent change to the regulations would reduce motor vehicle traffic delays and congestion related to summer traffic entering and exiting the town of Ocean City, while still providing for the reasonable needs of navigation.

EFFECTIVE DATES: This deviation is effective from July 13 through August 31, 1996. Comments must be received before September 30, 1996.

ADDRESSES: Comments should be mailed or delivered to Commander (Aowb), US Coast Guard Atlantic Area, 4th Floor Federal Bldg., 431 Crawford Street, Portsmouth, Virginia 23704–5004.

FOR FURTHER INFORMATION CONTACT: Ms. Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at 757–398–6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to comment on this temporary deviation by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice of temporary deviation (CGD05–96–043) and the specific section of this deviation to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped self-addressed postcard or envelop.

The Coast Guard will consider all comments received during the comment period when determining whether to propose a permanent change to the regulation.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander (Aowb) at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid any future proposed rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Background and Purpose

The Maryland Department of Transportation (MDOT) has requested a deviation from the requirements of 33 CFR 117.559 to test the effects of reduced opening periods during which the Route 50 drawbridge opens for marine traffic on Saturday afternoons during the summer months. Section 117.559 requires the Isle of Wight Bay Route 50 bridge to open at 25 minutes and 55 minutes after the hour for a maximum of 5 minutes from 9:25 a.m. to 9:55 p.m. from May 25 through September 15. MDOT's request is based on a large number of vacationers traveling to and from Ocean City on Saturday afternoons during the tourist season (summer months). Vacationers check in and out of hotels on Ocean City Island every Saturday afternoon of the season. This creates a traffic surge of vehicles entering and exiting the island with only two highway bridges (Route 50 and Route 90) available for access. The Route 90 bridge is a fixed-span structure, and the Route 50 bridge is a drawbridge. Over 350 charter boats historically pass through the Route 50 drawbridge on Saturdays from July 15 through September 15. This produces a dilemma to both waterway users and vehicular traffic trying to access the same drawbridge. MDOT proposes that, by providing only hourly openings on Saturday afternoons as opposed to the current half-hourly openings, vehicular traffic congestion on U.S. 50 will be reduced and highway safety will be increased. This test is intended to provide information needed to determine whether the Coast Guard should propose a permanent change to the regulation to better balance the needs of both waterway users and vehicular traffic.

Based on the above information, Commander, Fifth Coast Guard District has approved a temporary deviation from the requirements of 33 CFR 117.559 from July 13, 1996 through August 31, 1996. This temporary deviation will require the drawbridge to open only on the hour from 1 p.m. to 5 p.m. for waiting vessels on each Saturday from July 13 through August 31, 1996. When the bridge is opened, it will remain in the open position until all waiting vessels pass. The provisions of 33 CFR 117.31 which provide for the passage on signal for Federal, State and local government vessels used for public safety; vessels in distress where a delay would endanger life or property; commercial vessels engaged in rescue or emergency salvage operations; and vessels seeking shelter from severe weather will remain unchanged.

The terms of the approved temporary deviation are as follows:

The draw of the US 50 bridge, mile 0.5, located in Ocean City, Maryland, shall open according to 117.559 except from July 13, 1996 through August 31, 1996, on every Saturday, the bridge need open only on the hour from 1 p.m. to 5 p.m. for any waiting vessels, and shall remain in the open position until all waiting vessels pass. Vessels in an emergency involving danger to life or property shall be passed at any time.

Kent H. Williams,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 96–18113 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[COTP San Diego 96–002]

RIN 2115–AA97

Security Zone; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the U.S. Secret Service, the Coast Guard is establishing a temporary security zone within San Diego Bay adjacent to the San Diego Convention Center. The security zone is needed to protect those attending the Republican National Convention by securing the nearby Marriott Marina and any adjacent vessels, waterfront facilities, or waters. Authorized vessels will be permitted to remain within the security zone.

EFFECTIVE DATES: This rule is in effect from 8 a.m. Pacific Daylight Time (PDT) on August 11, 1996 until 11 p.m. PDT on August 15, 1996.

ADDRESSES: Copies of documents referenced in this rulemaking are available for inspection or copying at Marine Safety Office San Diego, 2716 N. Harbor Dr., San Diego, California between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (j.g.) John V. Reinert, Marine Safety Office San Diego, (619) 683–6486.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 23, 1996 the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled ''Security Zone; San Diego Bay, San Diego, CA'' (COTP San Diego, CA'' (COTP San Diego 96–002) in the Federal Register (61 FR 25838). The Captain of the Port (COTP) held public meetings on June 1 and July 2, 1996 on the proposal. Twelve people made comments at the public meetings, and 23 written comments were submitted prior to the closure of the comment period on July 8, 1996. Copies of the comments and a videotape of the public meetings are available for inspection or copying at the location indicated under **ADDRESSES.**

Discussion of Comments and Changes

The Coast Guard received 29 comments from individuals, 6 comments from small businesses, and two comments from organizations concerning the proposal.

Nine commenters questioned the legal authority of the COTP to perform searches of vessels within the security zone. The establishment of marine security zones is authorized by 50 U.S.C. 191. Through 33 U.S.C. 1223, 1225, and 1226, the Coast Guard is authorized to take measures, including the establishment of security zones, to protect vessels, harbors, and waterfront facilities. The authority to establish and enforce these security zones has been delegated to the COTP under 33 CFR Parts 6 and 165. Under 33 CFR Part 6, the COTP may utilize this security zone authority to regulate navigation and other activities, and limit access to defined areas by conditioning entry or presence in the zone on receiving the permission of the COTP. When a security zone is established, vessels entering or remaining in the zone are doing so with the permission of the COTP. The COTP has determined that the Republican National Convention presents a security need for a search of vessels and facilities within this security zone in order to detect explosives, weapons, or other articles which may pose a threat to the Marriott Marina or any adjacent vessels, waterfront facilities, or waters. Under this rule, permission by the COTP for vessels to enter or remain in the security zone is conditioned upon consent to such a search. Vessel owners electing not to give consent for a search will not be granted permission to enter or remain in the security zone, once it is established.

Thirty-four comments were received regarding the proposed limitation on access to docks and vessels within the security zone between the hours of 10 p.m. and 8 a.m. In light of the comments received and a change in the event security plan by the U.S. Secret Service, the COTP has removed this item from the Final Rule.

Seventeen comments were received regarding the proposed limitation on access to the docks and restriction on vessel movements from 2 p.m. until 11 p.m. on 15 August. In light of the comments received and a change in the event security plan by the U.S. Secret Service, the COTP has removed this item from the Final Rule.

Several comments were received concerning the proposed requirement that a vessel owner or operator provide the COTP a list of names of all individuals transiting the security zone, prior to transiting the zone. In light of the comments received and a change in the event security plan by the U.S. Secret Service, the COTP has removed this item from the Final Rule.

Several questions were received concerning operational enforcement of the security zone, *e.g.*, number of patrol boats involved, number of Coast Guard personnel, and pay grades of personnel involved with searches. Security considerations preclude publicizing Coast Guard enforcement resource information before and during the effective period of the security zone. Access to agency records regarding resources utilized may be requested after August 15, 1996 by writing to the address under **ADDRESSES.**

Discussion of Regulations

The Republican National Convention will be held at the San Diego Convention Center in San Diego, CA from August 12 through 15, 1996. The Secret Service has requested that the Coast Guard establish this security zone to ensure the security of those attending the Republican National Convention by securing the nearby Marriott Marina and any adjacent vessels, waterfront facilities, and waters. Expected attendees at the convention include former U.S. Presidents and their spouses, high ranking U.S. Government officials, and the Republican Presidential and Vice-Presidential Nominees and their spouses.

The security zone is in effect from 8 a.m. PDT on August 11, 1996 until 11 p.m. PDT on August 15, 1996. The security zone will encompass the entrance to the Marriott Marina starting at a point along the waterfront between Marriott Marina finger piers ''F'' and ''G'' at a point 32°42′26″N, 117°09′56″W; extending southwesterly to the south end of North Embarcadero Park at a point 32°42′20″N, 117°10′01″W; continuing 500 feet southwesterly toward channel buoy ''23'' at a point 32°42′16″N, 117°10′07″W; then extending southeasterly following the South Embarcadero Park shoreline to a point where it intersects with the easterly side of the navigable channel at 32°42′13″N, 117°10′02″W; then proceeding along the channel edge 100 feet past the southernmost point of South Embarcadero Park to a point 32°42′09″N, 117°09′50″W; then northeasterly until it intersects with the shoreline at a point 32°42′16″N, 117°09′42″W; then along shoreline to the point of beginning.

Pursuant to the Coast Guard's authority in 33 U.S.C. 1223, 50 U.S.C. 191, and the general regulations governing security zones in 33 CFR 165.33 and 33 CFR 6.04, no vessel will be allowed to enter or remain in this zone unless specifically authorized by the COTP. The COTP may grant permission for a vessel to enter or remain within the security zone if the vessel owner or operator first consents to a search of the vessel by the U.S. Secret Service, the Coast Guard, or other authorities for the purpose of detection of explosives, weapons, or other articles which may pose a threat to the Marriott Marina or any adjacent vessels, waterfront facilities, or waters. The owner or operator of a vessel entering the security zone must also provide the COTP with the number of persons on board and destination slip number.

Vessels whose owners or operators do not consent to a search of their vessels or who refuse to provide any information requested by the COTP will not be granted permission to enter or remain within the security zone.

The COTP may grant permission for a vessel in the moorings at the Marriott Marina to remain within the security zone if the owners or operators consent to a search of the vessel. If a vessel leaves its mooring and exits the security zone, its reentry will be conditioned on consent to be searched.

The COTP, working with Secret Service and other law enforcement authorities during this operation, may impose other restrictions within the security zone if circumstances dictate. Restrictions imposed by the COTP will be tailored to impose the least impact on maritime interests while ensuring the security of the Marriott Marina and any adjacent vessels, waterfront facilities, or waters.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under 5 U.S.C. 601 *et seq.*, known as the Regulatory Flexibility Act, the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small Entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). The COTP will allow vessels in the Marriott Marina to remain at their moorings while the security zone is in place, subject to the conditions discussed previously. Costs incurred by vessel owners and commercial entities within the security zone are expected to be minimal. Any such costs are greatly outweighed by the need to safeguard the security of the attendees at the convention. Since the impact of this rule is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

This rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B, as revised in 59 FR 38654, July 29, 1994. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket and is available for inspection and copying at the address listed under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Final Regulations

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191: 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A new section 165.T11–030 is added to read as follows:

§ 165.T11–030 Security Zone; San Diego Bay, San Diego, CA.

(a) *Location.* The following area is a security zone: the water and land area adjacent to the San Diego Convention Center, San Diego, CA, described as follows:

Beginning at 32°42′26″N, 117°09′56″W; then southwest to 32°42′20″N, 117°10′01″W; then southwest to 32°42′16″N, 117°10′07″W; then southeast to the outer channel line to 32°42′13″N, 117°10′02″W; then continuing along the outer channel line to 32°42′09″N, 117°09′50″W; then northeast to point of land at 32°42′16″N, 117°09′42″W; then along the shoreline to the point of beginning. Datum: NAD 83).

(b) *Effective dates.* This section is effective from 8 a.m. PDT on August 11, 1996 until 11 p.m. PDT on August 15, 1996.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port.

(2) The Captain of the Port may grant permission for a vessel to enter or remain within the security zone if the owners or operators consent to a search of their vessel for the purpose of locating explosives, weapons, or other articles or things which could pose a threat to the security of the Marriott Marina, adjacent vessels, waterfront facilities, or waters.

(3) All persons and vessels within the security zone shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Upon being hailed via siren, radio, flashing light, or other means, the operator of a vessel shall follow the instructions of the patrol personnel.

(4) The Captain of the Port will notify the public of the status of this security zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: July 9, 1996.

J.A. Watson,

Commander, U.S. Coast Guard, Captain of the Port, San Diego.

[FR Doc. 96–18114 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–14–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 251

[Docket No. 96–4 CARP DPRA]

Digital Phonorecord Delivery Rate Adjustment Proceeding

AGENCY: Copyright Office, Library of Congress.

ACTION: Final regulations, notice of initiation of negotiation period.

SUMMARY: The Copyright Office is announcing the initiation of the negotiation period for determining reasonable rates and terms for digital transmissions that constitute a digital phonorecord delivery. This negotiation period is mandated by the Digital

Performance Right in Sound Recordings Act of 1995 and is intended to promote the private settlement of the rates and terms for digital phonorecord delivery. In addition, the Office is adopting procedural regulations implementing the Digital Performance Right in Sound Records Act of 1995. The Office also solicits comments on the advisability of consolidating the digital phonorecord delivery rate adjustment proceeding with the physical phonorecord rate adjustment proceeding.

EFFECTIVE DATES: The regulations are effective August 16, 1996. The negotiation period begins July 17, 1996 and ends December 31, 1996. Comments on consolidation are due November 8, 1996. Petitions for rate adjustment are due January 10, 1997.

ADDRESSES: Comments, copies of voluntary license agreements, and petitions, when sent by mail should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Comments, copies of voluntary license agreements, and petitions, when hand delivered, should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room LM–407, First and Independence Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, or William Roberts, Senior Attorney, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024, (202) 707–8380.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1995, Congress passed the Digital Performance Right in Sound Recordings Act of 1995 (''Digital Performance Act''). Public Law 104–39, 109 Stat. 336. Among other things, it confirms and clarifies that the scope of the compulsory license to make and distribute phonorecords of nondramatic musical compositions includes digital transmissions which constitute ''digital phonorecord deliveries.'' 17 U.S.C. 115(c)(3). A ''digital phonorecord delivery'' is each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient. 17 U.S.C. 115(d), 37 CFR 255.4.

The Digital Performance Act also provides that the rate for all digital phonorecord deliveries made or authorized under a compulsory license on or before December 31, 1997, shall be the same as the rate in effect for the making and distribution of physical phonorecords. Accordingly, the Copyright Office and the Library of Congress amended part 255 of the Copyright Office's rules to set the rate for digital phonorecord deliveries at 6.95 cents for each work embodied in a phonorecord, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger. 60 FR 61655 (December 1, 1995); 37 CFR 255.5. This is the same rate that applies to the manufacture and distribution of physical phonorecords.

This Rate Adjustment Proceeding

The current rate for digital phonorecord deliveries expires December 31, 1997. Accordingly, in the Digital Performance Act, Congress established a two-step process for adjusting the royalty rate: a negotiation period during the second half of 1996 wherein the owners and the users attempt to reach their own voluntary licenses, and the, if necessary, and upon petition in 1997, the convening of a copyright arbitration panel (CARP) to establish rates and terms for those persons who are not covered by such voluntary licenses. 17 U.S.C. 115(c)(3)(C) and (D).

For the first step in the process, the negotiation period, the Digital Performance Act provides that during the period of June 30, 1996, through December 31, 1996, the Librarian of Congress shall cause notice to be published in the Federal Register of the initiation of voluntary negotiation proceedings for the purpose of determining reasonable terms and rates for digital phonorecord deliveries. 17 U.S.C. 115(c)(3)(C).

The Digital Performance Act does not require the negotiation period to begin on June 30, 1996, nor does it require that the negotiation period be six months long. It is the Office's understanding that the Act leaves the commencement and the length of the negotiation period to the discretion of the Librarian.

Upon consideration, the Office believes that the negotiation period should begin in July, 1996, and should conclude by December 31, 1996, and that petitions to convene a CARP should be filed by January 10, 1997, for the following reason. The current rate for digital phonorecord deliveries, by operation of law, is set to expire December 31, 1997. Should negotiations fail and the Librarian be petitioned to convene a CARP, written direct cases would have to be filed by January 31, 1997, if the precontroversy period (three months), the arbitration proceeding (six months) and the Librarian's review of the CARP's decision (two moths) is to conclude by December 31, 1997. Otherwise, there will be a lapse in time when no rates apply to digital phonorecord deliveries.

Therefore, the following procedural dates shall apply:

- From today's publication in the Federal Register to December 31, 1996, there is established the voluntary negotiation proceeding for determining reasonable terms and rates of royalty payments for digital phonorecord deliveries. Such terms and rates shall distinguish between (a) digital phonorecord deliveries where the reproduction or distribution of a phonorecord is incidental to the transmission which constitutes the digital phonorecord delivery, and (b) digital phonorecord deliveries in general.
- If negotiations are successful, any copyright owners of nondramatic musical works and any persons entitled to obtain a compulsory license for digital phonorecord deliveries may submit to the Librarian of Congress licenses covering such activities. 17 U.S.C. 115(c)(3)(C).
- In addition, if negotiations are successful, the Librarian may, upon the request of the parties to the negotiation proceeding, submit the agreed upon rates and terms to the public in a notice-and-comment proceeding. The Librarian may adopt the rates and terms embodied in the proposed settlement without convening a CARP, provided that no opposing comment is received by the Librarian from a party with an intent to participate in a CARP proceeding. 37 CFR 251.63(a). Such petitions are to be filed by January 10, 1997.
- If negotiations are not successful, petitions to convene a CARP are to be filed by January 10, 1997.[1] The petition shall detail petitioner's interest in the royalty rate sufficiently to permit the Librarian of Congress to determine whether the petitioner has a ''significant interest'' in the rate. The petition must also identify the extent to which the petitioner's interest is shared by other owners or users; owners or users with similar interests may file a joint petition. 37 CFR 251.62.
- Notices of Intent to Participate in a CARP proceeding to adjust the rates and establish the terms of the digital

[1] Because the law requires petitions to be filed in 1997, and because written direct cases must be filed by January 31, 1997, if the proceeding is to conclude by December 31, 1997, the petitions must be received by the Copyright Office by January 10, 1997. Therefore, it is advisable for petitioners to deliver their petitions to the Copyright Office. If petitions are mailed to the CARP post office box, it is advisable that they be sent well in advance.

phonorecord delivery compulsory license are to be filed by January 17, 1997.

- Written direct cases in the CARP proceeding shall be filed by January 31, 1997.
- After the precontroversy discovery period, the Librarian will initiate the CARP proceeding on May 1, 1997.

Relationship to Rate Adjustment Proceeding for Physical Phonorecords

The year 1997 is also when the mechanical royalty rate for physical phonorecords may be adjusted. This rate can be the same as, or different from, the rate that applies to digital phonorecord deliveries. While the rate for digital phonorecord deliveries expires, by law, on December 31, 1997, and needs to be replaced, there is no similar urgency to adjust the mechanical royalty rate for physical phonorecords. If no rate adjustment proceeding for physical phonorecords is concluded by December 31, 1997, the rate in existence now will simply continue until such time as it is adjusted.

The question is still raised whether it wouldn't be more efficient and less costly to have the same CARP panel, if one is to be convened, consider the mechanical royalty rates for both physical phonorecords and digital phonorecord deliveries. To consolidate such proceedings, it would be necessary to have a petition to adjust the physical phonorecord rate filed at the same time as the petition to adjust the digital phonorecord deliveries rate, January 10, 1997.

However, to require petitions to be filed by January 10, 1997, might deprive the interested copyright owners and users of time in 1997 to negotiate the rate. Therefore, the Office solicits comments on the advisability of consolidating the two rate adjustment proceedings. Comments are due by November 8, 1996. If the comments favor consolidation, the Office will issue an order indicating that the two proceedings will be consolidated. The order will also call for physical phonorecord petitions to be filed by January 10, 1997, Notices of Intent to Participate to be filed by January 17, 1997, written direct cases to be filed by January 31, 1997, and list all other procedural dates. The order will also cancel, because of time constraints, the 30-day negotiation period that follows the filing of a physical phonorecord petition set out in 37 CFR 251.63(a). The Librarian will initiate the consolidated proceeding on May 1, 1997.

Amendment of CARP Rules to Reflect Passage of Digital Performance Act

In addition to expanding the scope of the mechanical compulsory license to include digital phonorecord deliveries, the Digital Performance Act also added a new compulsory license: the license for qualifying subscription digital audio transmission services to perform sound recordings. The rates and terms for both these licenses are to be set by the CARP, if negotiations prove successful. Therefore, the current CARP rules need to be amended to reflect these additional responsibilities.

Section 553(b)(3)(A) of the Administrative Procedure Act states that general notice of proposed rulemaking is not required for rules of agency organization, procedure, or practice. Since the Office finds that the following final regulations are rules of agency organization, procedure, or practice, no notice of proposed rulemaking is required.

List of Subjects in 37 CFR Part 251

Administrative practice and procedure, Cable television, Copyright, Jukeboxes, Organization and functions (government agencies), Recordings, Satellites.

For the reasons set forth in the preamble, the Copyright Office and the Library of Congress amend 37 CFR part 251 as follows:

PART 251—COPYRIGHT ARBITRATION ROYALTY PANEL RULES OF PROCEDURE

1. The authority citation for part 251 continues to read as follows:

Authority: 17 U.S.C. 801–803.

2. Section 251.2 is revised to read as follows:

§ 251.2 Purpose of Copyright Arbitration Royalty Panels.

The Librarian of Congress, upon the recommendation of the Register of Copyrights, may appoint and convene a Copyright Arbitration Royalty Panel (CARP) for the following purposes:

(a) To make determinations concerning royalty rates for the cable compulsory license, 17 U.S.C. 111;

(b) To make determinations concerning royalty rates and terms for the subscription digital audio transmissions compulsory license, 17 U.S.C. 114;

(c) To make determinations concerning royalty rates for making and distributing phonorecords, and royalty rates and terms for digital transmissions that constitute digital phonorecord deliveries, 17 U.S.C. 115;

(d) To make determinations concerning royalty rates for coin-operated phonorecord players (jukeboxes) whenever a negotiated license expires or is terminated and is not replaced by another such license agreement, 17 U.S.C. 116;

(e) To make determinations concerning royalty rates and terms for the use by noncommercial educational broadcast stations for certain copyrighted works, 17 U.S.C. 118;

(f) To make determinations concerning royalty rates for the satellite carrier compulsory license, 17 U.S.C. 119; and

(g) To make determinations concerning the distribution of cable and satellite carrier royalty fees and digital audio recording devices and media payments deposited with the Register of Copyrights, 17 U.S.C. 111, 119, and chapter 10, respectively.

3. Section 251.58(c) is revised to read as follows:

§ 251.58 Judicial review.

* * * * *

(c) The pendency of any appeal shall not relieve persons obligated to make royalty payments under 17 U.S.C. 111, 114, 115, 116, 118, 119, or 1003, and who would be affected by the determination on appeal, from depositing statements of account and royalty fees by those sections.

4. The first sentence of § 251.60 is revised to read as follows:

§ 251.60 Scope.

This subpart governs only those proceedings dealing with royalty rate adjustments affecting cable (17 U.S.C. 111), subscription digital audio transmission (17 U.S.C. 114), the manufacture and distribution of phonorecords, including digital phonorecord deliveries (17 U.S.C. 115), performances on coin-operated phonorecord players (jukeboxes) (17 U.S.C. 116), noncommercial educational broadcasting (17 U.S.C. 118) and satellite carriers (17 U.S.C. 119). * * *

5. In § 251.61, paragraph (a) is revised to read as follows:

§ 251.61 Commencement of adjustment proceedings.

(a) In the case of cable, subscription digital audio transmissions, phonorecords, digital phonorecord deliveries, and coin-operated phonorecord players (jukeboxes), rate adjustment proceedings shall commence with the filing of a petition by an interested party according to the following schedule:

(1) Cable: During 1995, and each subsequent fifth calendar year.

(2) Subscription Digital Audio Transmissions: During a 60-day period prescribed by the Librarian in 1996, 2000, and each subsequent fifth calendar year.

(3) Phonorecords: During 1997 and each subsequent tenth calendar year.

(4) Digital Phonorecord Deliveries: During 1997 and each subsequent fifth calendar year except to the extent that different years may be determined by the parties to a negotiated settlement or by the copyright arbitration royalty panel.

(5) Coin-operated phonorecord players (jukeboxes): Within one year of the expiration or termination of a negotiated license authorized by 17 U.S.C. 116.

* * * * *

6. In § 251.62, the first sentence of paragraph (a) is revised to read as follows:

§ 251.62 Content of petition.

(a) In the case of a petition for rate adjustment proceedings for cable, subscription digital audio transmissions, phonorecords, digital phonorecord deliveries,and coin-operated phonorecord players (jukeboxes), the petition shall detail the petitioner's interest in the royalty rate sufficiently to permit the Librarian of Congress to determine whether the petitioner has a ''significant interest'' in the matter. * * *

* * * * *

7. In § 251.63, the first sentence of paragraph (a) is revised to read as follows:

§ 251.63 Consideration of petition; settlements.

(a) To allow time for the parties to settle their differences concerning cable, phonorecord, and jukebox rate adjustments, the Librarian of Congress shall, after the filing of the petition under § 251.62 and before the 45-day period specified in § 251.45(b)(2)(i), designate a 30-day period for consideration of their settlement. * * * * * * * * *

Dated: July 12, 1996.

Recommended by:

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 96–18105 Filed 7–16–96; 8:45 am]

BILLING CODE 1410–33–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI72–01–7298a; FRL–5528–3]

Approval and Promulgation of State Implementation Plan; Wisconsin; Site-Specific Revision For General Electric Medical Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency approves a site-specific volatile organic compound (VOC) reasonably available control technology (RACT) state implementation plan (SIP) revision for the General Electric Medical Systems (GEM) facility located at 4855 West Electric Avenue in Milwaukee, Wisconsin. This SIP revision was submitted by the Wisconsin Department of Natural Resources (WDNR) on March 15, 1996. This approval makes federally enforceable the State's consent order establishing an alternate control system for GEM's cold cleaning operation.

In the proposed rules section of this Federal Register, the EPA is proposing approval of, and soliciting comments on, this requested SIP revision. If adverse comments are received on this action, the EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule, which is being published in the proposed rules section of this Federal Register. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes federally enforceable the State's rule that has been incorporated by reference.

DATES: The ''direct final'' is effective on September 16, 1996, unless EPA receives adverse or critical comments by August 16, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Kathleen D'Agostino at (312) 886–1767 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–1767.

SUPPLEMENTARY INFORMATION:

I. Background

General Electric Medical Systems (GEM) owns a facility located at 4855 West Electric Avenue in Milwaukee, Wisconsin. The GEM facility manufactures X-ray tubes and components for other medical systems, and includes a cold cleaning operation which is part of an automated batch chemical treatment process for X-ray tubes. The GEM facility is located in the Milwaukee severe nonattainment area and is subject to rule NR 423 of the Wisconsin Administrative Code, which regulates VOC emissions from solvent cleaning operations. This rule has been approved by the United States Environmental Protection Agency (EPA) as meeting the RACT requirements of the Clean Air Act (Act).

Specifically, under sections NR 423.03(3)(d), (i), and (j), GEM is required to control organic compound emissions from the cold cleaning operation through a freeboard ratio greater than or equal to 1.0, through a water cover, or through an alternate control system equivalent to a freeboard ratio of 1.0. Under section 423.03(9), any alternate control method approved by the WDNR must be submitted to and approved by EPA as a site-specific SIP revision. For the reasons outlined below, GEM chose to install an alternate control system. The WDNR has made the determination that the controls proposed by GEM are more effective than those required by Rule 423 and has approved GEM's proposal through Consent Order AM–96–200. On March 15, 1995, the Wisconsin Department of Natural Resources (WDNR) submitted this Order to EPA, along with associated materials, for incorporation into Wisconsin's SIP.

II. Facility and Process Description

As noted above, GEM manufactures X-ray tubes and components for other medical systems. This includes glass blowing, graphite target manufacturing, cathode and anode machining and X-ray assembly. The X-ray units are also tested and rebuilt at this facility.

The facility has a cold cleaning operation which is part of an automated batch chemical treatment process for X-ray tubes. This process consists of loading parts into a carrier that automatically immerses them in various

chemicals, baths and water rinses, ending with immersion in the cold cleaner bath which contains 95 percent ethanol and 5 percent methanol. The equipment associated with the cold cleaning process was specially made for this facility. The overhead conveyor was designed with a limited vertical travel distance. With this limitation, the equipment can not be modified to comply with a freeboard ratio greater than or equal to 1.0 without significant expense. Consequently, GEM has proposed an alternate control system.

GEM's proposed system includes an enclosed solvent storage tank, control valves, pump and piping with an automated operating sequence. The following is the proposed operation procedure for the equipment.

1. The cover opens.
2. The parts are lowered into an empty immersion tank.
3. The cover closes.
4. The solvent is pumped into the tank.
5. The parts are slowly agitated.
6. The solvent is drained from the tank.
7. The parts remain inside the tank until the excess solvent drips off.
8. The cover opens.
9. The parts are removed.
10. The cover closes.

Additional design information for the proposed equipment is as follows.

1. The cleaner will be fitted with a mechanically assisted bi-parting cover.
2. The solvent storage tank will be enclosed.
3. The enclosed solvent storage tank along with associated control valves, pump and piping will be installed and programmed to provide an automated operating sequence.
4. The size of the tank will be 16″ W x 20″ L x 12″ H.
5. The cover will only be opened when the parts are being placed in or removed from the tank.

III. Evaluation of State's Submittal

As noted previously, EPA has approved Wisconsin's rule NR 423 as meeting the RACT requirements of the Act. Under sections 423.03(3)(d)3., and (j), sources may comply through an alternate method approved by WDNR, providing that it achieves emission reductions equivalent to that achieved under a freeboard ratio of 1.0. Additionally, this alternate must be submitted to, and approved by, EPA.

To demonstrate that the proposed alternate method of control is equivalent to the level of control that would be achieved under a freeboard ratio of 1.0, GEM relied on emission factors developed by EPA and contained in the fifth edition of AP–42, dated January 1995. GEM estimated that evaporative emissions from the cold cleaner operating with a freeboard ratio of 1.0 and uncovered when in use (as allowed under Wisconsin's rule), would be 0.35 pounds of VOC per day. The VOC emissions resulting from the proposed enclosed system were estimated to be 0.33 pounds per day.

The State has determined that the alternate control system proposed by GEM meets the requirements of NR 423, as approved by EPA, and is thus sufficient to meet the requirements of RACT. Furthermore, by complying through the proposed alternate control method, the GEM facility will be achieving greater emission reductions than it would had it complied through the freeboard ratio specified in rule 423.

The proposed alternate control system has been reviewed by EPA, as well as the procedures used to establish this alternate system. The alternate control system will result in a net environmental benefit and is consistent with the RACT regulation promulgated by the State and approved by EPA.

IV. Final Rulemaking Action

The EPA approves Wisconsin's site-specific SIP revision for incorporation into the State's federally enforceable ozone SIP.

Because EPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on September 16, 1996. However, if we receive adverse comments by August 16, 1996, EPA will publish a document that withdraws this action.

V. Miscellaneous

A. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

B. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

C. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This approval does not create any new requirements. Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 256–66 (1976).

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), 2 U.S.C. 1532, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, 2 U.S.C. 1532, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203, 2 U.S.C. 1532, requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

E. Petitions for Judicial Review

Under Section 307(b)(1) of the Act, petitions for judicial review of this

action must be filed in the United States Court of Appeals for the appropriate circuit by September 16, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: June 17, 1996.

David A. Ullrich,

Acting Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart YY—Wisconsin

2. Section 52.2570 is amended by adding paragraph (c)(95) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(95) On March 15, 1996, Wisconsin submitted a site-specific SIP revision in the form of a consent order for incorporation into the federally enforceable ozone SIP. This consent order establishes an alternate volatile organic compound control system for a cold cleaning operation at the General Electric Medical Systems facility located at 4855 West Electric Avenue in Milwaukee.

(i) *Incorporation by reference.* The following items are incorporated by reference.

(A) State of Wisconsin Consent Order AM–96–200, dated February 20, 1996.

(B) September 15, 1995 letter from Michael S. Davis, Manager—Air and Chemical Management Programs, General Electric Medical Systems to Denese Helgeland, Wisconsin Department of Natural Resources, along with the enclosed system diagram. (This letter is referenced in Consent Order AM–96–200.)

[FR Doc. 96–17990 Filed 7–16–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[OPP–300363B; FRL–5382–1]

RIN 2070–AC18

Folpet; Revocation of Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule revokes tolerances for folpet residues in or on the following commodities: celery, cherries, leeks, onions (green), shallots, blackberries, blueberries, boysenberries, crabapples, currants, dewberries, gooseberries, huckleberries, loganberries, raspberries, citrus fruits, garlic, pumpkins, summer squash, and winter squash. This revocation is necessary because the registrant has voluntarily canceled use of this fungicide on these commodities.

EFFECTIVE DATE: This final rule becomes effective September 16, 1996.

ADDRESSES: Written objections and hearing requests, identified by the docket, [OPP–300363B], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP–300363B]. No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail, Jeff Morris, Review Manager, Special Review Branch (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 3rd floor, Crystal Station, 2800 Crystal Drive, Arlington, VA 22202, (703) 308–8029; e-mail: morris.jeffrey@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Following issuance of a proposed rule to revoke folpet tolerances (59 FR 61859, December 2, 1994)(FRL–4912–6) and considering comments that EPA received in response to the proposed rule, this rule serves as a final order to revoke tolerances for folpet residues in or on the following commodities: celery, cherries, leeks, onions (green), shallots, blackberries, blueberries, boysenberries, crabapples, currants, dewberries, gooseberries, huckleberries, loganberries, raspberries, citrus fruits, garlic, pumpkins, summer squash, and winter squash. The tolerance for folpet residues in or on avocados will remain as currently listed in 40 CFR 180.191, and will be addressed through the reregistration process (the avocado tolerance was not subject to the December 2, 1994 proposed rule). In a separate notice, EPA will address the remaining tolerances that were subject to the proposed rule; the registrant is currently generating data to support those tolerances.

I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA, 21 U.S.C. 301 et seq.) authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 [21 U.S.C. 346(a)]. Without such tolerances or exemptions, a food containing pesticide residues is considered to be ''adulterated'' under section 402 of FFDCA, and hence may not legally be moved in interstate commerce [21 U.S.C. 342]. To establish a tolerance or an exemption under section 408 of FFDCA, EPA must make a finding that the promulgation of the rule would ''protect the public health'' [21 U.S.C. 346a(b)]. For a pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under FFDCA, but also must be registered under the Federal Insecticide,

Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

In 1988, Congress amended FIFRA and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, EPA must determine whether a pesticide is eligible for reregistration or whether any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, based on more recent data, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

Tolerance procedures are discussed in 40 CFR parts 177 through 180. Part 177 establishes the procedures for establishing, amending, or revoking tolerances or exemptions from the requirement of tolerances; part 178 contains procedures for filing objections and requests for hearings; part 179 contains rules governing formal evidentiary hearings; and part 180 contains regulations establishing tolerances or exemptions from the requirements of a tolerance. The Administrator of EPA, or any person by petition, may initiate an action proposing to establish, amend, revoke, or exempt a tolerance for a pesticide registered for food uses. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee. Comments submitted in response to EPA's published proposals are reviewed; EPA then publishes its final determination regarding the specific tolerance actions. Monitoring and enforcement of pesticide tolerances are carried out by the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA). This includes monitoring for pesticide residues in or on commodities imported into the United States.

II. Background

Folpet is a broad-spectrum fungicide registered for industrial use in paints, stains, coatings, and plastics. In addition, two folpet products are registered for food use. One product is actively registered for use on avocados in Florida only; the other is a registration for all folpet food uses, including the food uses covered by the tolerances that are subject to this rule, that EPA suspended in 1987 for failure of the registrant to supply the data required by EPA to support the continued registration of these uses. EPA has classified folpet as a B2 (probable) human carcinogen.

A. Proposed Revocation of Tolerances and Comment Period Extension

At the time the proposed rule was published, with the exception of data to support the avocado use, the registrant had not submitted the following residue chemistry data, which, according to the June 1987 folpet registration standard, are needed to support registration of the commodities subject to this rule: nature of the residues (metabolism) studies (guideline no. 171–4a) for representative crops; analytical method validation (guideline no. 171–4c); storage stability studies (guideline no. 171–4e) for representative crops; crop field trials (guideline no. 171–4k) for the subject commodities; and processing studies (guideline no. 171–4l) for applicable commodities. These data are required under 40 CFR part 158, and are needed to allow EPA to determine whether a proposed tolerance level is practical and achievable. Because the establishment of a tolerance under section 408 of FFDCA requires a finding that a tolerance will protect the public health, and because EPA did not have adequate data to make such a finding, EPA issued a proposed rule to revoke all folpet tolerances, except the avocado tolerance. The proposed rule was published in the Federal Register on December 2, 1994 (59 FR 61859).

In a Federal Register notice dated January 3, 1995 (60 FR 89)(FRL–4982–3), EPA extended the end of the comment period for the proposed rule from January 3, 1995, to March 3, 1995. The January 3 notice also requested the following: (1) That interested parties identify which tolerances they were willing to support by providing the data necessary to maintain the tolerances, and (2) that interested parties identify specific existing data they were prepared to submit in support of the tolerances.

B. Registrant's Response to the Proposed Rule

1. *Commitment to support tolerances.* In its comments to the December 2, 1994 proposed rule, Makhteshim-Agan, the sole folpet registrant, committed to generate the data necessary to establish tolerances in or on the following nine commodities: apples, cranberries, cucumbers, grapes, lettuce, melons, onions, strawberries, and tomatoes. (Makhteshim-Agan had previously submitted the required data for the use of folpet on avocados.) Makhteshim-Agan also submitted use information on the other nine commodities and a summary of the residue chemistry data that had thus far been generated for those commodities.

2. *Request to delete uses.* In a letter to EPA dated June 11, 1995, Makhteshim-Agan requested that EPA delete the following uses from its folpet registration number 66222–8: blackberries, boysenberries, dewberries, loganberries, raspberries, blueberries, huckleberries, summer/winter squash, pumpkins, celery, cherries (red tart), citrus (oranges, grapefruit, lemons, limes, tangelos, and tangerines), gooseberries, currants, and garlic. EPA published a notice of receipt of this request in a Federal Register notice dated April 17, 1996 (61 FR 16779)(FRL–5360–5). Following the 90–day comment period for this notice, the deletion of the uses is expected to take effect on July 16, 1996.

III. Final Actions

In response to comments made to the December 2, 1994 proposed rule, through meetings and other communication with the folpet registrant, and in accord with EPA's policy regarding data requirements to support tolerances, EPA is issuing this final order to revoke the 20 tolerances that have received no commitment for support.

This final rule revokes the following folpet tolerances listed in 40 CFR 180.191: blackberries, blueberries, boysenberries, celery, cherries, citrus fruits, crabapples, currants, dewberries, garlic, gooseberries, huckleberries, leeks, loganberries, onions (green), pumpkins, raspberries, shallots, summer squash, and winter squash. EPA is revoking these tolerances for two reasons: (1) The registrant is no longer supporting the uses on its folpet registrations, and (2) EPA does not have the data necessary to make a finding that the tolerances are protective of the public health, as is required by section 408 of FFDCA and 40 CFR part 158. The 25 ppm avocado tolerance is being supported through the reregistration program for domestic registrations and is not subject to this rule, and therefore remains unchanged. The remaining nine supported tolerances will be the subject of a separate notice that EPA will issue in the future.

Because folpet food-use registrations have been suspended since 1987 and therefore commodities may not be legally treated with any existing folpet stocks, EPA expects no folpet residues to be in or on the commodities associated with the tolerances subject to

this rule; nor, for the same reason, are folpet residues expected to persist in the environment. Following revocation of the tolerances, any imported commodities containing folpet residues will be subject to seizure as a result of FDA and USDA monitoring; this should prohibit any treated imported commodities from entering domestic channels of trade. Therefore, final expiration of the tolerances will occur 60 days from the date of publication of this rule in the Federal Register, barring submission of a petition for a stay of the effective date of this rule, and EPA will not require action levels following expiration of the tolerances.

IV. Comments Received on Proposed Rule and Response to Comments

The following section summarizes the comments received to the December 2, 1994 proposed revocation of folpet tolerances, and EPA's response to those comments. The actual comments are in the folpet docket.

A. Revocation Will Negatively Impact Importation of Commodities

Many commentors stated that the revocation of the U.S. folpet tolerances may have a significant negative impact on the present and future importation of agricultural products into the United States. Commentors were particularly concerned that revocation of the grape tolerance would negatively affect wine imports.

EPA responds that the folpet registrant has committed to generate the necessary data for nine tolerances, including a grape tolerance. EPA will not revoke tolerances for those commodities if adequate data are submitted by the agreed-upon due date.

B. Need for an Import Tolerance Policy

Other commentors expressed concern regarding the lack of a policy outlining the data necessary to establish import tolerances, and that the approach taken in EPA's Federal Register notice of December 2, 1994 is not an efficient regulatory process. They stated that deciding complex issues, such as data requirements, on a case-by-case basis cannot be efficient and detracts from regulatory transparency; they added that an import tolerance policy presented for public comment would permit EPA to evaluate the appropriateness of the data required in the December 2, 1994 notice.

EPA's response is that it has an import tolerance policy. EPA's May 3, 1995 letter to Makhteshim-Agan states: ''EPA requires the same product chemistry and toxicology data for import tolerances as are required to support U.S. registrations of pesticide products and any resulting tolerances. In addition, EPA needs residue chemistry data that are representative of growing conditions in exporting countries.'' It is because EPA has received neither the data required in the 1987 Registration Standard nor a commitment to generate the data necessary to establish tolerances, that EPA is revoking the tolerances subject to this rule. EPA is currently reviewing its import tolerance policy to address issues raised by folpet and other similar cases. In application of its policy, EPA is committed to consistency and, when possible, harmonization with international standards.

C. Potential GATT and NAFTA Violations

Some commentors claimed that EPA's proposed action would violate international obligations of the United States. They stated that the World Trade Organizations's Sanitary and Phytosanitary (SPS) Agreement permits EPA to deviate from Codex in exceptional circumstances, but any higher level of sanitary or phytosanitary protection must have a scientific justification. Such justification requires a finding by EPA that the forthcoming Codex standard for folpet is not sufficient to achieve its appropriate level of protection.

EPA responds that Codex has proposed to revoke most of the folpet Maximum Residue Limits (MRLs), including the grape MRL, because the data submitted to Codex are inadequate. The crop field trial program for the supported import-only tolerances initiated by the folpet registrant is expected to provide data adequate for setting U.S. and international residue levels for folpet. Since no data are available for the remaining tolerances subject to this rule, EPA is revoking those tolerances.

D. U.S. Standards Must Not Be Compromised

One commentor argued that EPA should revoke folpet tolerances unless the existing data enable EPA to make the FFDCA public health finding, and that the unsupported tolerances should not remain in effect while the data are being developed and submitted. The commentor also stated that nothing in international trade agreements requires any deviation from FFDCA's public health mandate.

EPA agrees that its mandate to protect the public health must not be compromised. All remaining permanent folpet tolerances will be based on adequate data that demonstrate that such tolerances are protective of the public health.

V. Effective Date and Stays of Effective Date

This final rule shall become effective September 16, 1996. A person filing objections to this Order may submit with the objections a petition to stay the effective date of this Order. Such stay petitions must be submitted to the Hearing Clerk on or before August 16, 1996. A copy of the stay request filed with the Hearing Clerk shall be submitted to the Office of Pesticide Programs Public Docket. A stay may be requested for a specific time period or for an indefinite time period. The stay petition must include a citation to this Order and the specific food additive regulation(s) as to which the stay is sought, the length of time for which the stay is requested, and a full statement of the factual and legal grounds upon which the petitioner relies for the stay. If a petition for a stay is submitted, EPA will automatically stay the effective date of the Order as to the particular regulation(s) for which the stay is sought for such time as is required to review the stay petition, if necessary. In determining whether to grant a stay, EPA will consider the criteria set out in FDA's regulations regarding stays of administrative proceedings at 21 CFR 10.35. Under those rules, a stay will be granted if it is determined that: (1) The petitioner will otherwise suffer irreparable injury; (2) the petitioner's case is not frivolous and is being pursued in good faith; (3) the petitioner has demonstrated sound public policy grounds supporting the stay; and (4) the delay resulting from the stay is not outweighed by public health or other public interests. Under FDA's criteria, EPA may also grant a stay if EPA finds that such action is in the public interest and in the interest of justice.

If a stay petition is submitted, EPA will publish a notice of receipt in the Federal Register, stating that the effective date of this Order is stayed as to the regulation(s) to which the stay is requested pending EPA consideration of the stay request. Any affected person may submit objections to a stay request to the Hearing Clerk on or before 15 days after the date of publication in the Federal Register of the notice of receipt. Any decision lifting the stay will be published in the Federal Register.

VI. Hearing Request

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request

a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Public Docket

A record has been established for this rulemaking under docket number [OPP–300363A] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:
opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

VIII. Regulatory Assessment Requirements

To satisfy the requirements for analysis specified by Executive Order 12866, the Regulatory Flexibility Act, the Paperwork Reduction Act, the Unfunded Mandates Reform Act, and the Small Business Regulatory Enforcement Fairness Act, EPA has considered the impacts of this final rule.

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

EPA has reviewed this final rule under the Regulatory Flexibility Act of 1980 [5 U.S.C. 601 et seq.], and has determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. Accordingly, I certify that this final rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

C. Paperwork Reduction Act

This regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

D. Unfunded Mandates Reform Act

This final rule contains no Federal mandates under Title II of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4 for State, local, or tribal governments or the private sector, because it would not impose enforceable duties on them.

E. Small Business Regulatory Enforcement Fairness Act

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 24, 1996.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR, chapter I, part 180 is amended as follows:

PART 180—[AMENDED]

The authority citation for part 180 would continue to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.191 is revised to read as follows:

§ 180.191 Folpet; tolerances for residues.

Tolerances are established for the fungicide folpet (*N*-(trichloromethylthio)pthalimide) in or on raw agricultural commodities as follows:

Commodity	Parts per million
Apples	25
Avocados	25
Cranberries	25
Cucumbers	15
Grapes	25
Lettuce	50
Melons	15
Onion (dry bulb)	15
Strawberries	25
Tomatoes	25

[FR Doc. 96–16588 Filed 7–16–96; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

49 CFR Part 40

Federal Aviation Administration

14 CFR Part 121

Research and Special Programs Administration

49 CFR Part 199

Federal Railroad Administration

49 CFR Part 219

Federal Highway Administration

49 CFR Part 382

Federal Transit Administration

49 CFR Parts 653 and 654

[OST Docket No. OST–96–1533]

RIN 2105–AC33

Amendment to Definition of ''Substance Abuse Professional''

AGENCIES: Office of the Secretary, Federal Aviation Administration, Research and Special Programs Administration, Federal Highway Administration, Federal Railroad Administration, Federal Transit Administration, DOT.

ACTION: Final rule.

SUMMARY: Each of the Department's alcohol testing rules include a definition of a substance abuse professional. By this action, the Department is consolidating these definitions into its Department-wide testing procedures rule and adding to the definition substance abuse professionals certified by the International Certification Reciprocity Consortium.

EFFECTIVE DATE: This rule is effective July 17, 1996.

FOR FURTHER INFORMATION CONTACT: Jim Swart, Program Analyst, Office of Drug Enforcement and Program Compliance, Room 10317 (202–366–3784); or Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Room 10424, (202–366–9306); 400 7th Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

The Omnibus Transportation Employees Testing Act of 1991 required that an opportunity for treatment be made available to covered employees. To implement this requirement in its alcohol and drug testing rules issued in February 1994, the Department of Transportation established the role of the ''substance abuse professional'' (SAP). The DOT rules require an employer to advise a covered employee, who engages in conduct prohibited under these rules, of the resources available for evaluation and treatment of substance abuse problems, including the names, addresses, and telephone numbers of SAPs and counseling and treatment programs. The rules also provide for SAP evaluation to identify the assistance needed by employees with substance abuse problems. In many cases (e.g., the Federal Highway Administration and Federal Transit Administration rules), this process and the role of the SAP apply to drug testing as well as alcohol testing.

The primary safety objective of the DOT rules is to prevent, through deterrence and detection, alcohol and controlled substance users from performing transportation safety-sensitive functions. The SAP is responsible for several duties important to the evaluation, referral, and treatment of employees identified through breath and urinalysis testing as being positive for alcohol and/or controlled substance use, or who refuse to be tested, or who have violated other provisions of the DOT rules.

The SAP's fundamental responsibility is to provide a comprehensive face-to-face assessment and clinical evaluation to determine if the employee needs assistance resolving problems associated with alcohol use or prohibited drug use. If the employee is found to need assistance as a result of this evaluation, the SAP recommends a course of treatment with which the employee must demonstrate successful compliance prior to returning to DOT safety-sensitive duty. Assistance recommendations can include, but are not limited to: In-patient treatment, partial in-patient treatment, out-patient treatment, education programs, and aftercare. Upon the determination of the best recommendation for assistance, the SAP will serve as a referral source to assist the employee's entry into an acceptable treatment or education program.

In general, the DOT rules prohibit a covered employee who has engaged in conduct prohibited by the rules from performing any safety-sensitive functions until meeting the conditions for returning to work, which include a SAP evaluation, demonstration of successful compliance with any required assistance program, and a successful return-to-duty test result (below 0.02 for alcohol test and/or a negative drug test). Therefore, the SAP follow-up evaluation is needed to determine if the employee demonstrates successful compliance with the original treatment recommendation. In addition, the SAP directs the employee's follow-up testing program.

The DOT rules define the SAP to be a licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, a licensed or certified social worker, or a licensed or certified employee assistance professional. In addition, alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) Certification Commission, a national organization that imposes qualification standards for treatment of alcohol and drug related disorders, are included in the SAP definition. All must have knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders (the degrees and certificates alone do not confer this knowledge). The rules do not authorize individuals to be SAPs who meet only state certification criteria because qualifications vary greatly by state. In some states, certified counselors do not have the experience or training deemed

necessary to implement the objectives of the rules. State-certified addiction counselors could have, of course, taken the NAADAC competency examination to receive certification.

The issue of who should be regarded as qualified to be a SAP was one of the most commented-upon issues in the rulemaking leading to the February 1994 rules (see 59 FR 7334–36; February 15, 1994). In the time since these rules were issued, various parties have continued to request that they be included within the definition of SAPs. In evaluating how to respond to such requests, the Department has taken the view that any expansion of the definition of SAPs should ensure that the qualifications of persons playing this important role not be diluted.

The International Certification Reciprocity Consortium (ICRC)/Alcohol & Other Drug Abuse (Suite 213, 3725 National Drive, Raleigh, North Carolina 27612), petitioned the DOT for inclusion of its certified counselors in the SAP definition. Upon receipt of the petition, the DOT began a thorough evaluation of the ICRC proposal, including information from ICRC related to counselor eligibility criteria, quality assurance procedures, codes of ethics, and certification and testing parameters. We also reviewed ICRC information on testing procedures, examination availability, and psychometrician standards.

The results of our evaluation supported the conclusion that ICRC has rigorous standards in place and that their counselors warrant inclusion in the Department's SAP definition. Their program requirements for professional counselors and their testing and certification procedures (as well as test availability) are consistent with those of other groups already defined as qualified for participation. After careful review and evaluation of the ICRC petition, supporting documentation, and testing methodology the DOT proposed including ICRC certified counselors in its SAP definition. ICRC-certified counselors must meet examination, experience, and other standards comparable to NAADAC-certified counselors, who are included in the existing SAP definition.

At the same time, the Department proposed consolidating SAP-related matters into Part 40, its Department-wide procedural regulation. Under the NPRM, the Department proposed to place the revised definition of SAP—including ICRC-certified counselors—in part 40, while removing the SAP definitions in each of the operating administration rules.

Comments and DOT Responses

Twenty-eight comments addressed the inclusion of ICRC-certified counselors in the SAP definition. No one opposed the proposed amendment. For the reasons noted above, the Department will include ICRC counselors in the definition.

Three comments suggested that additional professions or certifications be recognized in the SAP definition. Further additions to the definition are beyond the scope of this rulemaking. However, representatives of any group or profession seeking inclusion may contact the individuals listed above in ''For Further Information Contact'' to discuss the process for considering such requests.

One comment asked for further clarification of the operational role of the SAP, with respect to such matters as referral for treatment, the return to duty process, and follow-up testing. The Department has issued guidance in these areas and, if needed, can issue additional guidance in the future. In our view, further elaboration of the regulatory text in these areas is not necessary.

One comment, from a trade association, suggested that the definition of SAP remain in the regulation for the operating administration that regulates its members, rather than being consolidated in 49 CFR part 40. The rationale for this suggestion appears to be that employers would prefer to find all relevant terms in one rule—the operating administration rule—rather than needing to be familiar with both the operating administration rule and part 40.

This rationale is unpersuasive. Part 40 already applies to all employers covered by all the operating administration drug and alcohol testing rules. Each operating administration rule already incorporates by reference and applies Part 40 with respect to all tests conducted by covered employers. Employers must already be familiar with and refer to part 40 in order to conduct tests properly. Having a DOT-wide, common definition of SAP in part 40 is no more remarkable or difficult for employers to grasp than having the existing common definitions of Medical Review Officer or Breath Alcohol Technician in part 40. The ease of reference to common terms affecting the drug and alcohol testing process found in a single place, particularly for the many multi-modal employers covered by the Department's rules, is a significant reason for adopting the proposed consolidation. Moreover, it is much quicker to amend one rule than to amend six, an important consideration when the SAP definition is potentially subject to additional amendments if additional professions or certifications are included. The Department is adopting the proposed consolidation.

Regulatory Process Matters

The final rule is considered to be a nonsignificant rulemaking under DOT Regulatory Policies and Procedures, 44 FR 11034. It also is a nonsignificant rule for purposes of Executive Order 12866. The Department certifies, under the Regulatory Flexibility Act, that the NPRM, if adopted, would not have a significant economic effect on a substantial number of small entities. The NPRM would not impose any costs or burdens on regulated entities, serving merely to broaden the definition of service providers under the rule. The rule has also been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Department finds good cause to make this final rule effective immediately. There are a substantial number of ICRC-certified counselors who are ready and waiting to participate as SAPs in the DOT drug and alcohol testing program, and there is no opposition to their beginning to participate. The interest of the DOT program, the counselors themselves, and the employers who will be able to make use of them is served by making this rule change effective as soon as possible. In addition, this rule can be viewed as relieving a restriction on the participation of ICRC-counselors in the program.

Office of the Secretary

List of Subjects in 49 CFR Part 40

Drug testing, Alcohol testing, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons set forth in the preamble, 49 CFR part 40 is amended as follows:

PART 40—[AMENDED]

1. The authority citation for part 40 continues to read as follows:

Authority: 49 U.S.C. 102, 301, 322; 49 U.S.C. app. 1301nt., app. 1434nt., app. 2717, app. 1618a.

2. In § 40.3, after the definition of ''specimen bottle,'' a definition of ''substance abuse professional'' is added, to read as follows:

§ 40.3 Definitions.

* * * * *

Substance abuse professional. A licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/ Alcohol & Other Drug Abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Issued this 9th day of July, 1996, at Washington, DC.

Federico Peña,

Secretary of Transportation.

Federal Aviation Administration

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Aircraft pilots, Airmen, Airplanes, Air transportation, Aviation safety, Drug abuse, Drugs, Narcotics, Pilots, Safety, Transportation.

For the reasons set out in the preamble, the Federal Aviation Administration amends 14 CFR part 121, as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

Appendix I [Amended]

2. In Appendix I, Sec. II, the definition of ''Substance abuse professional'' is removed.

Appendix J [Amended]

3. In Appendix J, Sec. I, subsection C, the definition of ''Substance abuse professional'' is removed.

Issued in Washington, DC on May 13, 1996.

David R. Hinson,

Administrator, Federal Aviation Administration.

Research and Special Programs Administration

List of Subjects in 49 CFR Part 199

Alcohol testing, Drug testing, Pipeline safety, Recordkeeping and reporting.

For the reasons stated in the preamble, RSPA amends 49 CFR part 199 as follows:

PART 199—DRUG AND ALCOHOL TESTING

1. The authority for Part 199 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, and 60108; 49 CFR 1.53.

§ 199.205 [Amended]

2. In 49 CFR 199.205, the definition of ''Substance abuse professional'' is removed.

Issued in Washington, DC on June 11, 1996.

D.K. Sharma,

Administrator, Research and Special Programs Administration.

Federal Railroad Administration

List of Subjects in 49 CFR Part 219

Alcohol and drug abuse, Railroad safety, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, FRA amends 49 CFR part 219, as follows:

PART 219—CONTROL OF ALCOHOL AND DRUG USE

1. The authority for part 219 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20111, 20112, 20113, 20140, 21301, 21304; Pub. L. 103–272 (July 5, 1994); and 49 CFR 1.49(m).

§ 219.5 [Amended]

2. In § 219.5, the definition of ''Substance abuse professional'' is removed.

Issued in Washington, DC on July 9, 1996.

Donald M. Itzkoff,

Deputy Administrator, Federal Railroad Administration.

Federal Highway Administration

List of Subjects in 49 CFR Part 382

Alcohol and drug abuse, Highway safety, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the FHWA amends 49 CFR part 382, as follows:

PART 382—CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING

1. The authority for part 382 continues to read as follows:

Authority: 49 U.S.C. 31133, 31136, 31301 *et seq.,* 31502; and 49 CFR 1.48.

2. In § 382.107, the definition of ''Substance abuse professional'' is removed.

Issued in Washington, DC on July 9, 1996.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Federal Transit Administration

List of Subjects

49 CFR Part 653

Drug testing, Grant programs—transportation, Mass transportation, Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Part 654

Alcohol testing, Grant programs—transportation, Mass transportation, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons set out in the preamble, the Federal Transit Administration amends 49 CFR parts 653 and 654, as follows:

PART 653—PREVENTION OF PROHIBITED DRUG USE IN TRANSIT OPERATIONS

1. The authority for part 653 continues to read as follows:

Authority: 49 U.S.C. 5331; 49 CFR 1.51.

§ 653.7 [Amended]

2. In § 653.7, the definition of ''Substance abuse professional'' is removed.

PART 654—PREVENTION OF ALCOHOL MISUSE IN TRANSIT OPERATIONS

1. The authority for part 654 continues to read as follows:

Authority: 49 U.S.C. 5331; 49 CFR 1.51.

§ 654.7 [Amended]

2. In § 654.7, the definition of ''Substance abuse professional'' is removed.

Issued in Washington, DC on July 9, 1996.

Gordon J. Linton,

Administrator, Federal Transit Administration.

[FR Doc. 96–18064 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 960315081–6160–02; I.D. 030596B]

RIN 0648–AI17

Magnuson Act Provisions; Consolidation and Update of Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to the final regulations (I.D. 030596B), which were published Monday, June 24, 1996, (61 FR 32538). The regulations contain general provisions under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Tom Meyer, 301–713–2339.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction, consolidate nine CFR parts into one part that contains general provisions under the Magnuson Act.

Need for Correction

As published, the final regulations contain a typographical error in a reference, which prevents the enforcement of regulations by authorized officers in the southeast region.

Correction of Publication

Accordingly, the publication on June 24, 1996, of the final regulation (I.D. 030596B), which were the subject of FR Doc. 96–15767, is corrected as follows:

§ 600.730 [Corrected]

On page 32574, in the first column, in § 600.730, paragraph (a), on line three the number ''625'' is corrected to read ''622''.

Dated: July 12, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 96–18123 Filed 7–16–96; 8:45 am]

BILLING CODE 3510–22–F

50 CFR Part 679

[Docket No. 960129018–6018–01; I.D. 071096G]

Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Eastern Regulatory Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific ocean perch in the Eastern Regulatory Area of the Gulf of Alaska management area (GOA). This action is necessary to prevent exceeding the Pacific ocean perch total allowable catch (TAC) in the Eastern Regulatory Area.

EFFECTIVE DATE: Effective 1200 hrs, Alaska local time (A.l.t.), July 11, 1996, until 2400 hrs, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Pacific ocean perch TAC for the Eastern Regulatory Area was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 2,366 metric tons (mt). (See § 679.20(c)(3)(ii).)

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 679.20(d)(1), that the Pacific ocean perch TAC in the Eastern Regulatory Area soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 2,066 mt, with consideration that 300 mt will be taken as incidental catch in directed fishing for other species in the Eastern Regulatory Area. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Eastern Regulatory Area.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under § 679.20 and is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 11, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Development, National Marine Fisheries Service.

[FR Doc. 96–18074 Filed 7–11–96; 4:51 pm]

BILLING CODE 3510–22–F

50 CFR Part 679

[Docket No. 960129018–6018–01; I.D. 071096H]

Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Central Regulatory Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific ocean perch in the Central Regulatory Area of the Gulf of Alaska management area (GOA). This action is necessary to prevent exceeding the Pacific ocean perch total allowable catch (TAC) in the Central Regulatory Area.

EFFECTIVE DATE: Effective 1200 hrs, Alaska local time (A.l.t.), July 11, 1996, until 2400 hrs, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Pacific ocean perch TAC for the Central Regulatory Area was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 3,333 metric tons (mt). (See § 679.20(c)(3)(ii).)

The Director, Alaska Region, NMFS (Regional Director), has determined that the Pacific ocean perch TAC in the Central Regulatory Area soon will be reached. (See § 679.20(d)(1).) Therefore, the Regional Director has established a

directed fishing allowance of 2,933 mt, with consideration that 400 mt will be taken as incidental catch in directed fishing for other species in the Central Regulatory Area. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Central Regulatory Area.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under § 679.20 and is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 11, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–18073 Filed 7–11–96; 4:51 pm]

BILLING CODE 3510–22–F

50 CFR Part 679

[Docket No. 960129018–6018–01; I.D. 071096B]

Groundfish of the Gulf of Alaska; Northern Rockfish in the Western Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for northern rockfish in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the northern rockfish total allowable catch (TAC) in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), July 11, 1996, until 12 midnight, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR parts 679.

The northern rockfish TAC for the Western Regulatory Area was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 640 metric tons (mt). See § 679.20(c)(3)(ii).

The Director, Alaska Region, NMFS (Regional Director), established a directed fishing allowance for northern rockfish of 600 mt, with consideration that 40 mt will be taken as incidental catch in directed fishing for other species in this area. See § 679.20(d)(1). The Regional Director has determined that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for northern rockfish in the Western Regulatory Area.

The maximum retainable bycatch amounts at § 679.20(e), apply to a fishery that is closed to directed fishing.

Classification

This action is taken under 50 CFR 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 11, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–18080 Filed 7–11–96; 4:51 pm]

BILLING CODE 3510–22–F

50 CFR Part 679

[Docket No. 960129018–6018–01; I.D. 071096D]

Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Western Regulatory Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific ocean perch in the Western Regulatory Area of the Gulf of Alaska management area (GOA). This action is necessary to prevent exceeding the Pacific ocean perch total allowable catch (TAC) in the Western Regulatory Area.

EFFECTIVE DATE: Effective 1200 hrs, Alaska local time (A.l.t.), July 11, 1996, until 2400 hrs, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Pacific ocean perch TAC for the Western Regulatory Area was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 1,260 metric tons (mt). (See § 679.20(c)(3)(ii).)

The Director, Alaska Region, NMFS (Regional Director), has determined that the Pacific ocean perch TAC in the Western Regulatory Area soon will be reached. (See § 679.20(d)(1).) Therefore, the Regional Director has established a directed fishing allowance of 1,100 mt, with consideration that 160 mt will be taken as incidental catch in directed fishing for other species in the Western Regulatory Area. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for the Pacific ocean perch in the Western Regulatory Area.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under § 679.20 and is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 11, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–18079 Filed 7–11–96; 4:51 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 138
Wednesday, July 17, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 32

[Docket No. 96–14]

RIN 1557–AB55

Lending Limits

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is proposing revisions to its lending limits regulation in order to provide additional flexibility for a national bank to preserve personal property securing a loan, consistent with safe and sound banking practices. The proposal also makes several technical changes designed to clarify certain provisions in the current rule.

DATES: Comments must be received by September 16, 1996.

ADDRESSES: Comments should be directed to Office of the Comptroller of the Currency, Communications Division, 250 E Street, SW., Washington, DC 20219, Attention: Docket No. 96–14. Comments will be available for public inspection and photocopying at the same location. In addition, comments may be sent by facsimile transmission to FAX number (202) 874–5274 or by internet mail to REGS.COMMENTS@OCC.TREAS.GOV.

FOR FURTHER INFORMATION CONTACT: William C. Kerr, National Bank Examiner, or Frank R. Carbone, National Bank Examiner, Credit and Management Policy, (202) 874–5170; Laura Goldman, Attorney, or Aline J. Henderson, Senior Attorney, Bank Activities and Structure Division, (202) 874–5300; or Mark J. Tenhundfeld, Senior Attorney, Legislative and Regulatory Activities Division, (202) 874–5090.

SUPPLEMENTARY INFORMATION:

Background

In 1995, as part of its Regulation Review Program (Program), the OCC comprehensively revised its lending limits regulation. *See* 60 FR 8537 (February 15, 1995). These amendments to part 32 changed, among other things, the definition of ''loans and extensions of credit'' to exempt under certain circumstances additional funds advanced for the payment of maintenance and operating expenses necessary to preserve the value of real property securing a loan. *See* 12 CFR 32.2(j)(2)(i). Also, the amendments changed the definition of ''capital and surplus'' to allow a national bank, in most instances, to calculate its lending limit based on information contained in the bank's most recent quarterly Consolidated Report of Condition and Income (Call Report). *See id*. § 32.4.

As is explained in greater detail in the discussion that follows, these changes prompted requests for the OCC: (a) to extend the exemption for funds advanced to preserve and maintain collateral to loans secured by *personal* property as well as to loans secured by *real* property; and (b) to clarify the date on which a national bank must recalculate its capital and surplus. This proposal addresses both issues, and makes several technical changes designed to improve part 32 without changing its substance. Moreover, the proposal reflects the OCC's continuing commitment to assess the effectiveness of the rules it has revised under the Program and to make further changes where necessary to improve a regulation.

The OCC invites comments of a general nature on all aspects of the proposal in addition to comments on specific issues identified in the text that follows.

The Proposal

Definition of ''Loans and Extensions of Credit'' (§ 32.2(j))

Current § 32.2(j)(2)(i) states that additional funds advanced for the benefit of a borrower by a bank for payment of maintenance and operating expenses necessary to preserve the value of real property securing a loan are not ''loans or extensions of credit'' for purposes of 12 U.S.C. 84 and part 32 under certain circumstances. This exemption for funds advanced to protect collateral does not address advances for the purpose of protecting personal property collateral.

The proposal amends the current exemption by treating an advance to protect personal property collateral the same as an advance to protect real property collateral. The reasoning underlying both types of advances is identical, namely, to protect the position of the lending bank by preserving collateral prior to foreclosure in order to avoid greater expenses later. For example, advancing funds for the purpose of preserving the condition of equipment or getting perishable crops to market may protect the bank's condition more effectively than waiting until after foreclosure to take the steps necessary to protect the bank's interest.

Under the proposal, an advance to protect personal property collateral is subject to the same safeguards that currently apply to an advance to protect real property. Thus, the advance must be for maintenance and operating expenses only to the extent necessary to preserve the collateral, and must be consistent with safe and sound banking practices. These advances are permitted only for the purpose of protecting a bank's interest in the collateral. Moreover, a bank must treat any amount so advanced as an extension of credit if the bank makes a new loan to the borrower.

In proposing this expansion of the exemption, the OCC expects that a bank will reasonably anticipate a borrower's need to fund various expenses in determining the appropriate size of the loan that the bank will make. Moreover, the OCC intends for the exemption not to create incentives for borrowers to divert or reclassify spending in order to qualify larger portions of their credit needs for the exemption. A bank that wishes to advance funds pursuant to the proposed exemption should be able to document what collateral is being protected, how the additional advance will preserve the collateral, why the amount of the advance is the necessary amount, the basis for the bank's belief that the additional advance is likely to be repaid, and how the bank's position would be protected by preserving the collateral as compared to attempting a sale of the property.

The proposal also clarifies that the exemption, whether it applies to

advances to protect real or personal property, is to protect and maintain identified collateral for a particular loan. The exemption is not intended to allow a bank to speculate on the value of collateral by advancing additional funds in the hope that increasing collateral values will enable the borrower to repay all funds advanced. Nor is the exemption intended to permit a bank to continue funding the operations of a borrower until the borrower's business fortunes improve. To further clarify the scope of the exemption with respect to advances to protect *either* real or personal property collateral, and to emphasize that the exception is not available for speculative purposes, the proposal deletes the words ''value of'' used in conjunction with the reference to the relevant real or personal property.

The OCC requests comment on whether the restrictions it proposes to place on the advance of funds pursuant to the expanded exemption are workable and adequate to insure safety and soundness. Commenters are invited to suggest additional or alternative conditions.

Calculation of Lending Limits (§ 32.4)

Current § 32.4(a) requires a bank to calculate its lending limit as of the later of the date when the bank's Call Report ''is required to be filed'' or when the bank's capital category changes for purposes of the prompt corrective action provisions of 12 U.S.C. 1831o and 12 CFR part 6. Pursuant to current § 32.4(b), the OCC may require a national bank to calculate its lending limit more frequently if the OCC determines that the bank should do so for safety and soundness reasons.

Because the General Instructions to the Call Report refer to two separate ''filing'' dates, questions have arisen under the current rule concerning the date on which a recalculated lending limit is to become effective. The first potential filing date identified in the General Instructions, termed the ''report date,'' is defined as the last calendar day of each calendar quarter. The second potential filing date, termed the ''submission date,'' is the date by which the appropriate Federal banking agency must receive the Call Report. For most banks, the submission date is 30 days after the report date. Thus, the reference in the current rule to the date when the Call Report ''is required to be filed'' could produce some confusion as to when a recalculated limit becomes effective, depending on which ''filing'' date is used.

The proposal resolves this ambiguity by distinguishing the ''calculation date'' of a lending limit from its ''effective date.'' Assuming that a national bank's capital category has not changed, the bank is to calculate its lending limit using numbers reported in the bank's most recent Call Report, and, therefore, base its lending limit on the bank's capital and surplus as of the end of the most recent calendar quarter (the calculation date). However, this new limit will not be effective until the earlier of the date on which the bank submits its Call Report or is required to submit the Call Report (the effective date). The proposal amends § 32.4(a)(1), redesignates current § 32.4(b) as § 32.4(c), and adds a new § 32.4(b) that sets forth the effective date for using the updated numbers to accomplish this result.

If a bank's capital category for prompt corrective action purposes changes, then the bank must determine its lending limit as of the date on which the capital category changes. The new limit in this instance will be effective on the date that the limit is to be recalculated. The OCC also will continue its practice of permitting a recalculation of lending limits at a point during a quarter when there is a material change in a bank's capital arising from corporate activities such as a merger or stock issuance.

Technical Amendments (§§ 32.2(b) and 32.3(c))

The proposal makes several clarifying technical amendments to part 32. None of these amendments affects the substance of the current rule. The technical amendments are summarized below.

Current § 32.2(b) states that capital and surplus includes, among other things, a bank's Tier 1 and Tier 2 capital ''included in the bank's risk-based capital under'' the OCC's minimum capital ratios as set forth in Appendix A to 12 CFR Part 3. The proposal clarifies this definition by changing that language to refer to a bank's Tier 1 and Tier 2 capital ''calculated under the OCC's risk-based capital standards set out in Appendix A to part 3 of this chapter as reported in the bank's Consolidated Report of Condition and Income as filed under 12 U.S.C. 161.''

Current § 32.3(c)(4)(ii) exempts a loan from the lending limits to the extent that the loan is secured by an unconditional takeout commitment or guarantee of a Federal agency. In explaining when a commitment or guarantee is unconditional, § 32.3(c)(4)(ii)(B) notes that protection against loss is not materially diminished or impaired by a procedural requirement, such as ''an agreement to take over only in the event of default * * *.'' The proposal clarifies that the phrase ''an agreement to take over'' means an agreement to pay on an obligation.

Finally, current § 32.3(c)(6)(ii)(B) states that a bank must establish procedures to revalue foreign currency deposits to ensure that the loan or extension of credit remains fully secured at all times. The proposal clarifies that the revaluation must be periodic.

The OCC invites comments on these proposed technical amendments and suggestions for other technical changes that would clarify or improve the rule.

Regulatory Flexibility Act

It is hereby certified that this proposal will not have a significant economic impact on a substantial number of small entities. As is explained in greater detail in the preamble to this proposal, the only substantive change that is proposed would enhance a national bank's ability to protect its interest in real property that serves as collateral for a loan already made by the bank. By relaxing a restriction that currently impedes this ability, the proposal will reduce the regulatory burden on national banks, regardless of size. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

The OCC has determined that this proposal is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Act of 1995 (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating a notice of proposed rulemaking (NPRM) likely to result in a rule that includes a Federal mandate that may result in the annual expenditure of $100 million or more in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act requires an agency to identify and consider a reasonable number of alternatives before promulgating an NPRM. The OCC has determined that the proposal will not result in expenditures by State, local, and tribal governments, or by the private sector, of more than $100 million in any one year. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered. As discussed in the preamble, the proposal would clarify certain provisions of the current rule and provide additional flexibility to a

national bank to extend credit for the purpose of protecting personal property that secures a loan from the bank.

List of Subjects in 12 CFR Part 32

National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, part 32 of chapter I of title 12 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 32—LENDING LIMITS

1. The authority citation for part 32 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 84, and 93a.

2. In § 32.2, paragraphs (b) and (j)(2)(i) are revised to read as follows:

§ 32.2 Definitions.

* * * * *

(b) *Capital and surplus* means—

(1) A bank's Tier 1 and Tier 2 capital calculated under the OCC's risk-based capital standards set out in Appendix A to part 3 of this chapter as reported in the bank's Consolidated Report of Condition and Income as filed under 12 U.S.C. 161; plus

(2) The balance of a bank's allowance for loan and lease losses not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital under Appendix A to part 3 of this chapter, as reported in the bank's Consolidated Report of Condition and Income as filed under 12 U.S.C. 161.

* * * * *

(j) * * *

(2) * * *

(i) Additional funds advanced for the benefit of a borrower by a bank for payment of taxes, insurance, utilities, security, and maintenance and operating expenses to the extent necessary to preserve real or personal property securing the loan, consistent with safe and sound banking practices, but only if the advance is for the protection of the bank's interest in the collateral, and provided that such amounts must be treated as an extension of credit if a new loan or extension of credit is made to the borrower;

* * * * *

§ 32.3 [Amended]

3. Paragraph (c)(4)(ii)(B) of § 32.3 is amended in the last sentence by removing the term ''take over'' and adding in lieu thereof ''pay on the obligation''.

4. Paragraph (c)(6)(ii)(B) of § 32.3 is amended by adding the word ''periodically'' before the word ''revalue''.

5. Section 32.4 is revised to read as follows:

§ 32.4 Calculation of lending limits.

(a) *Calculation date.* For purposes of determining compliance with 12 U.S.C. 84 and this part, a bank shall determine its lending limit as of the most recent of the following dates—

(1) The last day of the preceding calendar quarter; or

(2) The date on which there is a change in the bank's capital category for purposes of 12 U.S.C. 1831o and § 6.3 of this chapter.

(b) *Effective date.* (1) A bank's lending limit calculated in accordance with paragraph (a)(1) of this section will be effective as of the earlier of the following dates—

(i) The date on which the bank's Consolidated Report of Condition and Income (Call Report) is submitted; or

(ii) The date on which the bank's Call Report is required to be submitted.

(2) A bank's lending limit calculated in accordance with paragraph (a)(2) of this section will be effective on the date that the limit is to be calculated.

(c) *More frequent calculations.* If the OCC determines for safety and soundness reasons that a bank should calculate its lending limit more frequently than required by paragraph (a) of this section, the OCC may provide written notice to the bank directing the bank to calculate its lending limit at a more frequent interval, and the bank shall thereafter calculate its lending limit at that interval until further notice.

Dated: June 24, 1996.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 96–18021 Filed 7–16–96; 8:45 am]

BILLING CODE 4810–33–P

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Regulation E; Docket No. R–0919]

Electronic Fund Transfers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: On May 2, 1996, the Board requested comment on a proposal to amend Regulation E, which implements the Electronic Fund Transfer Act, to address the use of electronic communication in home-banking services for providing disclosures and other documentation; error resolution procedures for new accounts; and the treatment of stored-value cards (imposing modified Regulation E requirements on stored-value products in systems that track individual transactions, cards, or consumers; providing an exemption for cards on which a maximum value of $100 can be stored; and providing that other stored-value cards are not covered by Regulation E). In response to requests for an extension of the comment period, the Secretary of the Board, acting pursuant to delegated authority, has extended the comment period from August 1, 1996, to September 6, 1996, to give the public additional time to provide comments.

DATES: Comments must be received on or before September 6, 1996.

ADDRESSES: Comments should refer to Docket No. R–0919 and be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551. They may also be delivered to the guard station in the Eccles Building Courtyard on 20th Street, N.W. (between Constitution Avenue and C Street) between 8:45 a.m. and 5:15 p.m. weekdays. Except as provided in the Board's rules regarding the availability of information (12 CFR 261.8), comments will be available for inspection and copying by members of the public in the Freedom of Information Office, Room MP–500 of the Martin Building, between 9:00 a.m. and 5:00 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Regarding the proposed amendments on electronic communications, Michael Hentrel, Staff Attorney, and regarding the other proposed amendments, Jane Jensen Gell, Natalie Taylor, or Obrea Poindexter, Staff Attorneys, Division of Consumer and Community Affairs, at (202) 452–3667 or (202) 452–2412. For the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Dorothea Thompson, at (202) 452–3544.

SUPPLEMENTARY INFORMATION: The Board is extending the comment period on the proposed amendments to Regulation E (Electronic Fund Transfers) published on May 2, 1996 at 61 FR 19696 to give the public additional time to comment on the proposal.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, July 10, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–18011 Filed 7–16–96; 8:45 am]

BILLING CODE 6210–01–P

FARM CREDIT ADMINISTRATION

12 CFR Part 614

RIN 3052–AB67

Loan Policies and Operations; Other Financing Institutions

AGENCY: Farm Credit Administration.

ACTION: Advance notice of proposed rulemaking; comment period extension.

SUMMARY: On May 17, 1996, the Farm Credit Administration (FCA) published for public comment an Advance Notice of Proposed Rulemaking (ANPRM) concerning potential revisions to the regulations in subpart P of part 614 that govern the funding and discount relationship between Farm Credit System (Farm Credit, FCS, or System) banks that operate under title I of the Farm Credit Act of 1971, as amended (Act), and non-System other financing institutions (OFIs). *See* 61 FR 24907, May 17, 1996. The comment period expired on July 16, 1996. In order to allow interested parties additional time to respond, the FCA extends the comment period until August 30, 1996, and invites public comment on the questions in the ANPRM.

DATES: Written comments should be received on or before August 30, 1996.

ADDRESSES: Comments may be mailed or delivered to Patricia W. DiMuzio, Associate Director, Regulation Development, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090 or sent by facsimile transmission to the FAX number at (703) 734–5784. Copies of all communications received will be available for review by interested parties in the Office of Examination, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Eric Howard, Policy Analyst, Regulation Development, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498,

or

Richard A. Katz, Senior Attorney, Regulatory Enforcement Division, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: On May 17, 1996, the FCA published an ANPRM in the Federal Register that sought information and guidance from the public about how to revise regulations in subpart P of part 614 that govern the funding and discount relationship between System banks that operate under title I of the Farm Credit Act of 1971, as amended (Act), and non-System OFIs. Farm Credit Banks (FCBs) and agricultural credit banks (ACBs) are authorized to fund and discount certain short- and intermediate-term loans for non-System lenders, such as commercial banks, savings associations, credit unions, trust companies, agricultural credit corporations, and other agricultural and aquatic lenders as part of their mission to finance agriculture, aquaculture, and other specified rural credit needs. External developments, such as the consolidation of the commercial banking industry, the advent of interstate banking and branching, the gradual reduction of Federal assistance to agriculture and rural communities, and the increased interest of non-System financial institutions in additional sources of funding and liquidity may necessitate revisions to the regulations in subpart P of part 614 so that System banks can fulfill their obligation to meet demands in rural communities for short- and intermediate-term credit. The purpose of any future rulemaking would be to ensure that eligible and creditworthy farmers, ranchers, aquatic producers and harvesters, processing and marketing operators, farm-related businesses, and rural homeowners will continue to have access to affordable, dependable, and stable short- and intermediate-term credit through both System and non-System lenders. Specifically, the ANPRM sought comments regarding the FCA's OFI regulations and how they may be revised to better implement the statutory provisions. Several interested parties have advised the FCA that they need additional time to prepare thoughtful responses to the questions in the ANPRM. For this reason, the FCA hereby extends the comment period until August 30, 1996.

Dated: July 11, 1996.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 96–18132 Filed 7–16–96; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–ASO–15]

Proposed Amendment to Class D Airspace; Smyrna, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Class D surface area airspace at Smyrna, TN. Due to the relocation of the Nashville VORTAC, an airspace review of the Smyrna, TN, Class D airspace area was conducted. As a result of the airspace review, it was determined that the Smyrna Class D airspace area for the Smyrna Airport requires redefinition by removing a small exclusion and reducing the height from 3,000 feet to 2,000 feet MSL in the northwest quadrant of the Smyrna Class D airspace area.

DATES: Comments must be received on or before August 26, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96–ASO–15, Manager, Operations Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5586.

FOR FURTHER INFORMATION CONTACT: Benny L. McGlamery, Operations Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ASO–15.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All

comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Operations Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend Class D surface area airspace Smyrna, TN. As a result of the relocation of the Nashville VORTAC, an airspace of the Smyrna, TN, Class D airspace area was conducted. As a result of the airspace review, it was determined that the Smyrna Class D airspace area required redefinition by removing a small exclusion and reducing the height from 3,000 feet to 2,000 feet MSL in the northwest quadrant of the Smyrna Class D airspace area. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which are incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 5000 Class D airspace.

* * * * *

ASO TN D Smyrna, TN [Revised]

Smyrna Airport, TN
(lat. 36°00′32″N, long. 86°31′12″W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 3.9-mile radius of the Smyrna Airport, excluding that airspace within the Nashville Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on July 3, 1996.

Benny L. McGlamery,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96–18060 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 96–AAL–9]

Proposed Revision of Class E Airspace; Cold Bay, Nome, and Tanana, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action revises the Class E airspace at Cold Bay, Nome, and Tanana, AK. The development of the Global Positioning System (GPS) instrument procedures to Nome Airport, AK, and Ralph M. Calhoun Memorial (Tanana), AK, have made this action necessary. Revisions to the Cold Bay Class E airspace will correct discrepancies found during an airspace review. The areas would be depicted on aeronautical charts for pilot reference. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Cold Bay, Nome, and Tanana, AK.

DATES: Comments must be received on or before September 3, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, AAL–530, Docket No. 96–AAL–9, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, System Management Branch, Air Traffic Division, at the address shown above.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, System Management Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–AAL–9.'' The postcard will be date/time stamped and returned to the commenter. All communications

received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E airspace at Cold Bay, Nome, and Tanana, AK. This action is necessary to correct the airspace legal description for Cold Bay, AK, and accommodate new GPS instrument approach procedures at Nome Airport, AK, and Ralph M. Calhoun Airport (Tanana), AK. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document would be published subsequently in the Order. The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g), 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

* * * * *

Paragraph 6002 The Class E airspace areas listed below are designated as a surface area for an airport.

* * * * *

AAL AK E2 Cold Bay, AK [Revised]

Cold Bay Airport, AK
(lat. 55°12′20″ N, long. 162°43′27″ W)
Cold Bay VORTAC
(lat. 55°16′03″ N, long. 162°46′27″ W)
Elfee NDB
(lat. 55°17′46″ N, long. 162°47′21″ W)

Within a 4.7-mile radius of the Cold Bay Airport and within 2.6 miles each side of the 338° bearing and the 158° bearing from the Elfee NDB, extending from the 4.7-mile radius to 13 miles north of the airport and within 3 miles each side of the Cold Bay VORTAC 150° radial, extending from the 4.7-mile radius to 17.4 miles south of the airport.

* * * * *

AAL AK E2 Nome, AK [Revised]

Nome Airport, AK
(lat. 64°30′44″ N, long. 165°26′43″ W)
Nome VORTAC
(lat. 64°29′06″ N, long. 165°15′11″ W)
Gold NDB/DME
(lat. 64°30′46″ N, long. 165°25′01″ W)

Within a 3.9-mile radius of the Nome Airport and within 3.4 miles each side of the Nome VORTAC 106° radial, extending from the 3.9-mile radius to 12.1 miles east of the airport, and within 3.4 miles each side of the Nome VORTAC 286° radial extending from the 3.9-mile radius to 6 miles west of the airport, and within 3.5 miles each side of the 195° bearing from the Gold NDB/DME extending from the 3.9-mile radius to 6 miles south of the airport.

AAL AK E2 Tanana, AK [Revised]

Ralph M. Calhoun Memorial Airport, AK
(lat. 65°10′28″ N, long. 152°06′34″ W)
Bear Creek NDB
(lat. 65°10′26″ N, long. 152°12′21″ W)
Tanana VOR/DME
(lat. 65°10′38″ N, long. 152°10′39″ W)

Within a 3.9-mile radius of the Ralph M. Calhoun Memorial Airport and within 2.5 miles south and 3.5 miles north of the 250° bearing from the Bear Creek NDB extending from the NDB to 9.5 miles west of the NDB, and 2.5 miles north of the Tanana VOR/DME 277° radial extending from 3.9-mile radius to 7 miles west of the VOR/DME. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Supplement Alaska (Airport/Facility Directory).

* * * * *

Issued in Anchorage, AK, on July 8, 1996.

Trent S. Cummings,

Acting Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 96–18061 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI72–01–7298b; FRL–5534–6]

Approval and Promulgation of Implementation Plan; Wisconsin; Site-Specific Revision for General Electric Medical Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency proposes to approve a site-specific volatile organic compound (VOC) reasonably available control technology (RACT) state implementation plan (SIP) revision for the General Electric Medical Systems (GEM) facility located at 4855 West Electric Avenue in Milwaukee, Wisconsin. This SIP revision was submitted by the Wisconsin Department of Natural Resources (WDNR) on March 15, 1996. This approval would make federally enforceable the State's consent order establishing an alternate control system for GEM's cold cleaning operation.

In the final rules section of this Federal Register, the EPA is approving this action as a direct final without prior

proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed action must be received by August 16, 1996.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this Federal Register. Copies of the request and the EPA's analysis are available for inspection at the following address: (Please telephone Kathleen D'Agostino at (312) 886–1767 before visiting the Region 5 office.) EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 17, 1996.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 96–17989 Filed 7–16–96; 8:45 am]

BILLING CODE 6560–50–P

ENVRIONMENTAL PROTECTION AGENCY

40 CFR Parts 180, 185, and 186

[PP 4F4313 and FAP 4H5687/P670, FRL–5374–1]

RIN 2070-AC18

Cyfluthrin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish permanent tolerances for residues of the pyrethroid cyfluthrin in or on the raw agricultural commodities (RACs) group citrus, fruits; to withdraw the proposed food/feed additive petition for citrus oil, dried pulp, and molasses and to establish a maximum residue limit for cyfluthrin on citrus oil and dried pulp. Bayer Corporation (formerly Miles, Inc.) submitted petitions pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA) requesting these regulations to establish certain maximum permissible levels for residues of the insecticide.

DATES: Comments, identified by the docket control number [PP 4F4313 and FAP 4H5687/P670], must be received on or before August 16, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. In person, bring comments to: Rm. 1132 CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 4F4313 and FAP 4H5687/P670]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 200, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) 305-6100.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of July 13, 1994 (59 FR 35717), which announced that Miles Corp. had submitted pesticide petition PP 4F4313 and food/feed additive petition (FAP) 4H5687 to EPA. Pesticide petition 4F4313 requests that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), amend 40 CFR 180.436 by establishing tolerances for residues of the insecticide cyfluthrin, [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dicloroethenyl]-2,2-dimethylcyclopropanecarboxylate] in or on the raw agricultural commodities group citrus, fruits at 0.2 parts per millions (PPM).

Food/feed additive petition 4H5687 requests that the Administrator, pursuant to section 409(b) of the FFDCA (21 U.S.C. 348), amend 40 CFR parts 185 and 186 by establishing food/feed additive regulations for cyfluthrin in or on the processed food commodity citrus oil at 1.0 ppm, and the feed commodities citrus dried pulp at 1.0 ppm and citrus molasses at 0.5 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

On May 2, 1996, Miles Corp. requested that the proposed food/feed additive regulation (4H5687) for citrus oil, citrus dried pulp, and citrus molasses under section 409 of FFDCA be withdrawn and proposed establishment of a maximum residue level (MRL) for citrus oil and citrus dried pulp at 0.3 ppm under section 701 of FFDCA. The request to withdraw the feed additive petition for citrus molasses was submitted in response to EPA's determination that citrus molasses is no longer considered a significant feed item. See EPA's final 860 Series Residue Chemistry Guidelines (860.1000) published as public drafts on August 25, 1995 (60 FR 44343) (formerly Table II of Subdivision O, Residue Chemistry, of the Pesticide Assessment Guidelines).

The request to withdraw the food/feed additive petition under section 409 for citrus oil and citrus dried pulp and instead propose to establish a MRL for citrus oil and citrus dried pulp under section 701 was submitted in response to EPA's policy changes regarding when pesticide residues concentrate in processed food and whether a particular processed food is considered ''ready to eat.'' In June 1995 (60 FR 31300, June 14, 1995), EPA issued a revised policy concerning when section 409 food and feed additive tolerances were needed to

prevent the adulteration of foods and animal feeds. Under EPA's revised policy, a section 409 tolerance is necessary for pesticide residues in processed food when it is likely that the level of some residues of the pesticide will exceed the section 408 tolerance level in ''ready to eat'' processed food/feed. Of particular relevance to the proposed food/feed additive regulation for citrus oil and dried pulp is EPA's decision to interpret the term ''ready to eat'' processed food/feed as food ready for consumption ''as is'' without further preparation. For foods/feeds that are found to be not ''ready to eat,'' EPA takes into account the dilution of residues that occurs in preparing a ''ready to eat'' food/feed.

Under the revised policy, EPA has determined that citrus fruit oil and dried citrus pulp are not ''ready to eat'' food or animal feed commodities. Citrus oil is not consumed ''as is'' but used as a flavoring in other foods. Likewise EPA has found no evidence that dried citrus pulp is fed to livestock as a stand-along feed stock. Rather dried citrus pulp is used as an ingredient in animal feeds. As such, dried citrus pulp can constitute up to 25% of animal feed.

The proposed section 408 tolerance for cyfluthrin on citrus is 0.2 ppm. The highest average residue found in crop field trials for cyfluthrin on citrus fruits was 0.06 ppm. A processing study showed that in producing citrus oil and dried pulp residues concentrated 530% (a concentration factor of 5.3x). Thus with this information it is likely that cyfluthrin residues of 0.32 ppm (0.06 x 5.3) could occur in citrus oil and dried pulp. However to project what residues are likely in ''ready to eat'' food or animal feed containing citrus oil and dried citrus pulp the 0.32 ppm must be divided by 238 for citrus oil and 3 for dried citrus pulp to allow for dilution occurring when citrus oil and dried citrus pulp is added to other ingredients in the preparation of food and animal feed respectively. Once these dilutions are taken into account (0.32 divided by 238) and (0.32 divided by 3) the likely residues of cyfluthrin in food and animal feed would not be expected to exceed 0.001 ppm for citrus oil (or < 0.01 ppm which is the limit of detection of the analytical method) and 0.11 for dried citrus pulp. Since these levels are below the 408 tolerance level (0.2 ppm) food and animal feed would not be adulterated and no section 409 tolerances are needed. However since residues could be present in the not ''ready to eat'' commodities at levels (0.32 ppm) appreciably higher than the 0.2 ppm RAC tolerance, section 701 MRL's are being proposed. A section 701 MRL represents the highest level of pesticide residue in a not ''ready to eat'' processed commodity that is consistent with the requirements in 21 U.S.C. 342(a)(2)(C) that the pesticide be applied in accordance with the section 408 tolerance and that good manufacturing processes be used.

EPA will compute the MRL by multiplying the highest average residue found in the raw commodity in field trials by the concentration factor determined in processing studies using good manufacturing practices. As noted above, the highest average residue from the cyfluthrin fields trials is 0.06 ppm and the concentration factor for processing is 5.3x. Multiplying 0.06 by 5.3 yields a product of 0.318 ppm. EPA believes it is appropriate to round 0.318 ppm and proposes 0.3 ppm as MRL for cyfluthrin residues in citrus oil and dried citrus pulp. For purposes of enforcement of the MRL, the same analytical method used for enforcement of the section 408 tolerances should be used.

EPA is proposing to place this MRL in existing parts 185 and 186 of title 40 of the Code of Federal Regulations (CFR) rather than creating a new part of title 40. Currently, 40 CFR parts 185 and 186 contain section 409 food and feed additive tolerances organized by pesticide. EPA believes it will be clearer to the regulated community and to enforcement personnel if all regulations pertaining to residue levels of a pesticide in food and animal feeds are located in the same part of the CFR. Because EPA is respectively proposing to expand the type of regulation that would be included in part 185 and 186, EPA proposes modifying the titles of parts 185 and 186 to ''Pesticides in Food and Pesticides in Animal Feeds'' to reflect these changes.

The science data submitted in support of the petitions and other relevant material have been reviewed. The toxicological and metabolism data considered in support of this tolerance are discussed in detail in a related document published in the Federal Register of March 15, 1996 (61 FR 10678).

A chronic dietary exposure/risk assessment was performed for cyfluthrin using a Reference Dose (RfD) of 0.025 mg/kg bwt/day, based on a No Observed Effect Level (NOEL) of 50 ppm (2.5 mg/kg bwt/day) and an uncertainty factor of 100. The NOEL was determined in a 2-year rat feeding study. The endpoint effects of concern were decreased body weights in males and inflammation of the kidneys in females at the LEL of 150 ppm (6.2 mg/kg/day). The current estimated dietary exposure for the U.S. population resulting from established tolerances is 0.002907 mg/kg/bwt day, which represents 11.6% of the RfD and 0.00662 mg/kg/day, which represents 26.4% of the RfD for children (1-6 years old), the subgroup population exposed to the highest risk. The current action will increase exposure to 0.003268 mg/kg/day or 13% of the RfD and 0.007605 mg/kg/day or 30.4% of the RfD respectively. Generally speaking, EPA has no cause for concern if total residue contribution for published and proposed tolerances is less than the RfD. EPA concludes that the chronic dietary risk of cyfluthrin, as estimated by the dietary risk assessment, does not appear to be of concern.

Because there was a sign of developmental effects seen in animal studies, the Agency used the rabbit developmental toxicity study (with a NOEL of 20 mg/kg/day to assess acute dietary exposure and determine a margin of exposure (MOE) for the overall U.S. population and certain subgroups. Since the toxicological end-point pertains to developmental toxicity, the population group of concern for this analysis is women aged 13 and above, the subgroup which most closely approximates women of child-bearing age. The MOE is calculated as the ratio of the NOEL to the exposure. For this analysis, the Agency calculated the MOE for women ages 13 and above to be 666. Generally speaking, MOE's greater than 100 for data derived from animal studies are generally not of concern.

The metabolism of cyfluthrin in plants and livestocks for this use is adequately understood. The residues of concern is cyfluthrin. Adequate analytical methodology (Gas liquid chromatography with an electron capture detector) is available for enforcement purposes. The enforcement methodology has been submitted to the Food and Drug Administration for publication in the Pesticide Analytical Manual Vol. II (PAM II). Because of the long lead time for publication of the method in PAM II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from Calvin Furlow, Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson-Davis Hwy., Arlington, VA 22202, (703) 305-5232.

The established tolerances for residues of cyfluthrin in/on eggs, milk, fat, meat and meat by-products of cattle,

goats, hogs, horses, sheep and poultry are adequate to cover secondary residues resulting from the proposed use as delinated in 40 CFR 180.6(a)(2).

There are presently no actions pending against the continued registration of this chemical.

The pesticide is considered useful for the purpose for which the tolerances are sought. Based on the information and data considered, the Agency concludes that the establishment of the proposed tolerances will protect the public health and proposed MRLs are consistent with 21 U.S.C. 342 (a)(c). Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA. Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 4F4313/FAP 4H5687/P670]. All written comments filed in response to this petition will be available in the Public Responses and Program Resources Branch, at the address given above from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under the docket number [PP 4F4313/FAP 4H5687/P670] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall 1B2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

The Office of Management and Budget has exempted this document from the requirement of review pursuant to Executive Order 12866.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) Having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review. In addition, this action does not impose any enforceable duty or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 1993), entitled ''Enhancing the Intergovernmental Partnership,'' or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950). EPA has treated regulations similar to the establishment of tolerances as also not having a significant economic impact on substantial number of small entities. Therefore, the proposed MRL is not expected to have such impact.

List of Subjects in 40 CFR Parts 180, 185, and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 19, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. In § 180.436(a), by adding and alphabetically inserting the following entry in the table therein to read as follows:

§ 180.436 Cyfluthrin; tolerances for residues.

(a) * * *

Commodities	Parts per million	Expiration date
* * *	* * *	*
Citrus, fruits	0.2	None

Commodities	Parts per million	Expiration date
* * *	* * *	*

* * * * *

PART 185—PESTICIDES IN FOOD

2. In part 185:

a. The authority citation for part 185 is revised to read as follows:

Authority: 21 U.S.C. 342, 348, and 701.

b. By revising the part heading for part 185 to read as set forth above.

c. In § 185.1250, by adding paragraph (b) to read as follows:

§ 185.1250 Cyfluthrin.

* * * * *

(b)(1) A maximum residue level regulation is established for residues of the insecticide cyfluthrin, [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dicloroethenyl]-2,2-dimethylcyclopropanecarboxylate] in or on the following food commodities:

Commodities	Parts per million
Citrus oil	0.3

(2) This regulation reflects the maximum level of residues in citrus oil consistent with use of cyfluthrin on citrus, fruits in conformity with § 180.436 of this chapter and with the use of good manufacturing practices.

* * * * *

PART 186 — [AMENDED]

3. In part 186:

a. The authority citation for part 186 is revised to read as follows:

Authority: 21 U.S.C. 342, 348, and 701.

b. In § 186.1250, by adding paragraph (b), to read as follows:

§ 186.1250 Cyfluthrin.

* * * * *

(b)(1) A maximum residue level regulation is established for residues of the insecticide cyfluthrin, [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dicloroethenyl]-2,2-dimethylcyclopropanecarboxylate] in or on the following feed commodities:

Commodities	Parts per million
Citrus, dried pulp	0.3

(2) This regulation reflects the maximum level of residues in citrus, dried pulp consistent with use of cyfluthrin on citrus, fruits in conformity with § 180.436 of this chapter and with the use of good manufacturing practices.

* * * * *

[FR Doc. 96–18183 Filed 7–15–96; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 232 and 235

Aid To Families With Dependent Children; AFDC/Child Support Program Cooperation and Referral

AGENCY: Administration for Children and Families (ACF), HHS.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule is part of President Clinton's recently announced initiative to strengthen the child support enforcement system and promote parental responsibility. ACF is proposing to amend the regulations for the Aid to Families with Dependent Children (AFDC) program under title IV–A of the Social Security Act to improve cooperation requirements as follows:

Prior to receipt of AFDC, applicants will be required to provide sufficient information to located the non-custodial parent, establish the paternity of a child born out of wedlock and secure child support. By making the receipt of benefits conditional upon fulfillment of the cooperation requirement at the time of application, this policy will increase the likelihood of success in locating non-custodial parents, establishing paternity, and securing support.

- Applicants and recipients will be held to a strict cooperation standard. They will be required to provide the name of the father and identifying information available to the caretaker such as the address, Social Security Number, telephone number, place of employment or school, and names of relatives, etc.
- To ensure effective due process protection, States will be required to establish criteria to determine when the individual cannot reasonably be expected to know the required identifying information.
- The AFDC agency will be required to refer applicants to the child support agency within two working days of application so that the non-custodial parent can be located and paternity action can be initiated right away.
- To ensure that clients are protected from delays in processing applications, the prohibition on State or local agencies from denying, delaying or discontinuing assistance pending a good cause determination will also apply to the cooperation determination.
- To provide additional flexibility, States may request waivers under the Intergovernmental Cooperation Act to have the child support agency, rather than the AFDC agency, make the good cause and cooperation determination. Since the child support agency has the responsibility to bring legal action to establish paternity, it is often in the best position to make this determination.

The current good cause provisions are unchanged. Applicants and recipients who have good cause will continue to be exempt from cooperating.

DATES: Interested persons and agencies are invited to submit written comments concerning these regulations no later than September 16, 1996.

ADDRESSES: Comments should be submitted in writing to the Assistant Secretary for Children and Families, ATTENTION: Mr. Mack A. Storrs, Director, Division of AFDC/JOBS, 5th Floor, Office of Family Assistance, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447 or delivered to the Office of Family Assistance, 5th Floor, Aerospace Building, 901 ''D'' St., S.W., Washington, D.C. 20447, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these hours by making arrangements with the contact person.

FOR FURTHER INFORMATION CONTACT: Mr. Mack A. Storrs, Administration for Children and Families, Office of Family Assistance, 5th Floor, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, telephone (202) 401–9289.

SUPPLEMENTARY INFORMATION:

Background

Recently, President Clinton announced a new initiative to strengthen the child support

enforcement system and promote parental responsibility. The President directed the Secretary to exercise her legal authority to propose new rules which would require all applicants for welfare to cooperate by providing sufficient information, *prior* to receipt of AFDC, to locate the non-custodial parent, establish the paternity of a child born out of wedlock and secure child support. The new regulations will also require AFDC recipients to similarly cooperate at their next redetermination.

Currently, more than 1.2 million children are born each year to unwed parents. These children deserve to have their relationship with their father legally acknowledged and to receive financial and emotional support from him. No father should be able to bring a child into this world and then just walk away. A clear message must be conveyed to parents, especially young parents, that bringing a child into this world brings with it significant, long-term responsibilities.

Paternity establishment is the crucial, first step toward securing financial support for a child, and, perhaps even more importantly, promoting the development of a nurturing relationship with the father. If paternity is not established, the child may be denied a lifetime of emotional, psychological and economic benefits. While a parental link opens the door to child support and other potential financial benefits, it also provides qualitative benefits to the child, such as the value of a father's legal acknowledgement of their relationship, an opportunity for extended family ties, and access to medical history and genetic information.

The Administration has made paternity establishment a top priority. In the Omnibus Reconciliation Act of 1993, the Administration proposed, and Congress enacted, a requirement for States to establish voluntary paternity acknowledgment programs in hospitals as an effective way to establish child/father bonds right from the start of a child's life. Voluntary data from thirty-one States show that more than 200,000 paternities were established through the in-hospital program in 1995. In addition, the total number of paternities established by child support agencies has increased by 40 percent since 1992. Still, more needs to be done. That is why the President has ordered the Secretary of the Department of Health and Human Services to exercise her legal authority to propose new regulations on paternity establishment and child support cooperation in the AFDC program.

Unless paternity is established for a child in a family seeking welfare, the government pays the costs of raising the child—costs that the father should be sharing. As a condition of receipt of welfare benefits, mothers are currently required to cooperate with paternity-establishment efforts. However, the process of cooperating is seldom completed during the application process, and efforts to determine cooperation and establish paternity are often not made until after the mother has begun receiving benefits. Research shows that a greater percentage of mothers know the identity and whereabouts of the father of their child than is currently reported to welfare agencies. Because agencies do not receive all relevant information, paternity is often not established. In fact, the national rate for paternity establishment in welfare cases is only about 40 percent. Under these proposed rules, quick action would be taken to improve life prospects for families.

Since passage of the Family Support Act in 1988, States have been dramatically changing the culture of welfare to emphasize that assistance ought to be temporary while families take the necessary steps to become self-sufficient. Establishing paternity and getting child support from the non-custodial parent, combined with finding and holding a job, are critical components of a financial base leading to independence. In addition to assuring that eligible applicants receive prompt and accurate benefits, eligibility staff should know, understand and communicate the benefits and need for paternity establishment and self-sufficiency.

Discussion of Proposed Changes

In cases of a child born out of wedlock, the establishment of paternity is a critical first step in the child support enforcement process. The earlier paternity is established, the sooner the child may benefit from child support, the father's medical benefits, and information about his medical history. The child may also gain access to other financial benefits such as dependent's benefits under Social Security, pensions, veterans' benefits, and rights of inheritance.

Section 402(a)(26)(B) of the Social Security Act provides that, as a condition of eligibility for aid, each applicant or recipient will be required to cooperate with the State in establishing the paternity of a child born out of wedlock, in locating the non-custodial parent and in obtaining support or any other payments or property due such applicant or such child, unless there is good cause for refusing to cooperate. Good cause determinations are rendered by the AFDC agency, based on standards prescribed by the Secretary.

Current rules at § 232.12(b) provide that the applicant or recipient shall provide information, but allow an individual to ''attest to the lack of information, under penalty of perjury.'' Many unmarried applicants are routinely attesting that they do not have the basic information needed to locate the father and establish paternity. As a result, paternity is established in only about 40 percent of these cases.

To increase the rate of paternity determinations, a number of States have requested that we tighten the definition of cooperation by requiring that applicants and recipients furnish specific information about the identity of the non-custodial parent. Under waivers in their welfare reform demonstrations, a number of States have modified or proposed modifications to the cooperation criteria to define cooperation as providing specific information. Some of these modifications have subsequently been challenged in court for providing no exceptions. Advocacy groups have also expressed concern about changes in the cooperation rules because some caretaker relatives do not have or cannot be reasonably expected to obtain the necessary information to identify and locate the non-custodial parents. We are proposing a regulation which we believe balances these concerns.

Recognizing how important it is to establish paternity or secure child support at the earliest possible time, we propose to amend the regulations at § 232.12 and § 235.70 to require that States take action to secure the applicant's cooperation on paternity and child support within the application-processing period. Except in circumstances where the client cannot be reasonably expected to know or obtain the information, or claims good cause, the applicant will be required to provide the name and sufficient information necessary to identify the non-custodial parent.

We propose to amend § 232.12(b) to require States to establish effective procedures to obtain necessary information to identify the non-custodial parent. We have specified at the revised § 232.12(b)(3) that the required cooperation includes providing both the name of the putative father and other information sufficient to verify the identity of the person named. The other information which must be given could include: the social security number, date of birth, past or present address,

telephone number, past or present place of employment, past or present school attended, names and addresses of parents, friends or relatives able to provide location information, or other information which could enable service of process on such person. This requirement is intended to ensure that the mother provide at least the name of the father and sufficient additional information so that the State or local agency can verify that the person named is an actual person and not a fictitious name and to elicit information that can aid the agency in locating the person. This new specific requirement does not change the general requirement at § 232.12(b)(1) that the mother must provide any other verbal or written information, or documentary evidence known to, possessed by, or reasonably obtainable by the applicant or recipient.

Further, the revised regulation would replace the attestation rule at § 232.12(b)(3) with a provision that would allow States to establish criteria for determining cooperation in cases where the applicant or recipient cannot reasonably be expected to know the identifying information about the non-custodial parent. We recognize that the kind and amount of information that a client may have depends on the nature of the relationship and believe that States are in the best position to make this determination. We have included an example of one common situation that the criteria must address—cases where recipients do not know or have the required information due to a long lapse of time since contact with the non-custodial parent. This will allow States to require more than a mere attestation but to accept less than the required information, as specified by the State, in limited circumstances. Providing States this flexibility is reasonable since they are in the best position to develop criteria that respond to their administrative needs and caseload characteristics. States are encouraged to elicit and seriously consider the views of client representatives and advocates when formulating the new criteria.

Section 232.46 prohibits State or local agencies from denying, delaying or discontinuing assistance pending a good cause determination. To ensure that clients are protected from delays in processing applications, we are proposing that this requirement also apply to the cooperation determination. For example, if the name and identifying information provided by the applicant cannot be verified within the application processing timeframe (no later than 45 days from the filing date or a shorter period as elected by the State) and the delay is not due to inaction on the part of the applicant, then benefits must be authorized once other eligibility and payment factors have been met. This also applies to all application filed under any State-defined criteria for emergency processing.

So that the non-custodial parent can be located and paternity or child support action can be initiated right away, we are proposing that the AFDC agency be required to send a prompt notice to the child support agency that an application has been filed on behalf of a child who is deprived of parental support or care due to the continued absence of a parent. Section 235.70 will be amended to define a ''prompt notice'' as one that is sent to the child support agency within two working days of the date that the application for AFDC is filed, rather than the current requirement of within two working days of when assistance is granted.

We propose that these new cooperation requirements be effective 90 days after publication of the final rule or, for States requiring new legislation, no later than the first day of the first calendar quarter beginning after the close of the first legislative session that begins after the date of the final rule. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature. The new requirements will apply to all applicants after that date, and to current recipients no later than the next redetermination after that date. Before imposing the new requirements on recipients, States shall notify recipients in writing about their responsibilities to provide additional information, the consequences of failure to cooperate and their rights to claim good cause and to appeal adverse actions.

For current recipients, we expect States to review the records of cases where paternity or support has not been established, or the whereabouts of the non-custodial parent is not known. The purpose of the review is to determine, based on case situation, whether the recipient may have additional information or has cooperated under these new requirements. States should pay particular attention to their criteria for assessing the recipient's lack of information, based on the lapse of time or age of a child for whom paternity has not been established. States may apply the new requirements at any time after the notice to recipients, but shall apply them no later than the next redetermination.

Several States have also persuasively argued that the child support agency, rather than the AFDC agency, should be permitted to make the good cause and cooperation decisions. Allowing child support staff to make the decisions may be more efficient because it eliminates delays caused by the ''back-and-forth'' referrals between child support and AFDC staff. It also encourages client responsibility and rapport in dealing with workers who help establish paternity and obtain child support. We believe these arguments have merit. Although we are not proposing a regulatory change in this area, States that are interested in having the child support agency render the good cause and cooperation decisions are encouraged to request a waiver under section 204 of the Intergovernmental Cooperation Act of 1968.

Under the Intergovernmental Cooperation Act, the Governor or the appropriate executive of the single State agency may request a waiver and explain: (1) Why the proposed organizational arrangement is more effective and efficient within the State government; and (2) how the objectives of title IV–A will be met by the alternative arrangement that is being requested (e.g., having the child support agency render the good cause and cooperation decisions). The formal request for a waiver, together with the State plan preprint pages (i.e., Section 1.1–2, page 1 and Attachment 1.1–B) should be submitted to the appropriate ACF Regional Office for review and approval.

We also want to clarify that no changes are proposed in several areas related to cooperation. Pursuant to section 402(a)(26) of the Social Security Act, a failure to cooperate, without good cause, either at application or subsequently will result in the removal of the caretaker's needs from the grant. This consequence is not changed. Likewise, States are still required to inform all applicants or recipients who fail to cooperate of their right to a fair hearing to appeal the determination. If an individual fails to cooperate and is determined ineligible for benefits, but subsequently chooses to cooperate and takes appropriate action, benefits will be reinstated. Finally, the current requirements regarding good cause for not cooperating because it would be ''against the best interests of the child'' are not changed.

Regulatory Procedures

Executive Order 12866 on Regulatory Planning and Review

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities

and principles set forth in the Executive Order. The Department has determined that these rules are consistent with these priorities and principles. An assessment of the costs and benefits of available regulatory alternatives (including not regulating) demonstrated that the approach taken in the regulation is the most cost-effective and least burdensome while still achieving the regulatory objectives.

The proposed rule is designed to provide that applicants and recipients provide sufficient information to establish paternity and obtain support, and that information be provided on a timely basis—i.e., before establishing welfare eligibility, if possible. At the same time, it seeks to both protect cooperative individuals against unreasonable requirements and prevent unnecessary legal challenges in the States. Thus, we believe it properly balances our interests in improving the effectiveness of paternity establishment and child support efforts against our concern about the burdens imposed both on governmental agencies and needy families seeking assistance.

The requirement on welfare agencies to make referrals within two days of application may initially be burdensome in some States or localities, but we believe that the broad automation of welfare and child support enforcement programs substantially mitigates any such burden, and that the two-day requirement is necessary to ensure timely and effective paternity establishment efforts. Nevertheless, we welcome specific comments on the administrative burden associated with this two-day requirement.

Paperwork Reduction Act

This NPRM contains information collection requirements in sections 232.12, 232.46, and 235.70. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Administration for Children and Families has submitted a copy of these sections to the Office of Management and Budget (OMB) for review.

More specifically, sections 232.12 and 232.46 both include State plan amendments; section 232.12(b) includes information to be provided to the State welfare agency by the parent seeking assistance; and section 235.70 revises prompt notice requirements.

One group of respondents to the proposed information collection requirements is State welfare agencies. These agencies will be required to revise their State plans to specify: (1) The actions, documents and information required for cooperation of applicants and recipients—including what additional information (beyond a name) individuals must provide in order to establish paternity [at section 232.12(b)(3)]; (2) the criteria for determining cooperation when individuals cannot reasonably be expected to know the required identifying information [also at section 232.12(b)(3)]; and (3) provision of benefits pending a determination of cooperation or good cause in cases of compliance with other requirements [at section 232.46]. The State plan changes are necessary to ensure that States are making necessary changes to improve the effectiveness of their paternity establishment and child support efforts, while protecting needy individuals from undue harm and unreasonable requirements. By requiring specification of these policies and procedures in the State plans, we help to ensure broad public access to information on the policies and procedures being implemented by States and expand the opportunities for public comment on them. To minimize the burden on respondents, we will be providing preprint pages for their use. Adding this additional plan language will create a one-time burden for the 54 State agencies, which we estimate will average 5 hours per State, for a total burden of 270 hours.

We expect State and local welfare agencies implementing these new plan provisions will also spend additional time collecting, documenting and inputting information when individuals apply for welfare and, if needed, when recipients have their benefits redetermined. However, we believe that the burden of collecting this information up front in the welfare office should be substantially, if not fully, offset by a reduced burden on child support and Medicaid agencies. These latter agencies will face a reduction in their own administrative burdens because they will be receiving more complete and more useful information on the cases that are referred from the welfare office.

We estimate that 240,000 applicants per year would be affected by these additional requirements (160,000 of which would become recipients). We also estimate that each year about 55,000 recipients who were previously affected by these requirements and previously provided sufficient information would be again affected because of the birth of a new child. Thus, a total of 295,000 applicants and recipients would be affected on an annual basis.

In addition, over the first couple of years, as these requirements are implemented, we estimate that 360,000 recipients would be affected at the time of their first subsequent redetermination. The vast majority of recipients will only be affected one time—at their first redetermination following the implementation of the new requirements.

The burden on parents seeking assistance will be more significant, but the precise impact is difficult to determine. We do not know the specific policies and procedures the States will put into effect. We also do not know what percentages of paternity cases are already providing ''sufficient information'' under existing program rules. Nevertheless, with these caveats in mind, we estimate that the number of affected applicants and recipients per year would be 295,000 and the average additional time required of each of these applicants and recipients would be 30 minutes (i.e., 0.5 hours). Thus, the total ongoing impact would be 147,500 hours per annum.

Likewise, we estimate that 360,000 recipients would be affected on a one-time basis over the first couple of years as the new requirements are implemented. Assuming a slightly higher hourly burden on these recipient parents (of 45 minutes, or 0.75 hours, per individual) would produce a total burden estimate of 270,000 hours.

We do not expect that the overall burden on State and local agencies associated with the prompt notice requirements will be affected by this proposed rule.

In summary, therefore, we estimate a net one-time burden on State and local agencies of 270 burden hours; annual burdens for parents who are either applicants or recipients with new infants of 147,500 burden hours; and a one-time burden on recipient parents who are newly subject to these requirements of 270,000 burden hours.

The Administration for Children and Families (ACF) will consider comments by the public on these proposed collections of information in:

- Evaluating whether the proposed collections are necessary for the proper performance of the functions of ACF, including whether the information will have practical utility;
- Evaluating the accuracy of ACF's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and the clarity of the information to be collected;
- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technology, e.g., permitting electronic submission of responses.

To ensure that public comments are fully understood and have the maximum effect on the development of final regulations, ACF urges that each comment clearly identify the specific section or sections of the regulations at issue and the type of respondent being addressed.

OMB is required to make a decision concerning the collections of information contained in these proposed regulations between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulations. Written comments to OMB on the proposed information collections should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, ATTN: Ms. Wendy Taylor.

Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354) requires the Federal government to anticipate and reduce the impact of regulations and paperwork requirements on small businesses. The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities because the primary impact of these regulations is on State governments and individuals. We do not believe that any provision will have direct impact on small businesses or other small entities within the scope of the Regulatory Flexibility Act and therefore, a regulatory flexibility analysis is not required.

List of Subjects

45 CFR Part 232

Aid to families with dependent children, Child support, Grant programs-social programs.

45 CFR Part 235

Aid to families with dependent children, Fraud, Grant programs-social programs, Public assistance programs.

(Catalog of Federal Domestic Assistance Programs 93.020, Assistance Payments Maintenance Assistance.)

Dated: June 21, 1996.

Mary Jo Bane,

Assistant Secretary for Children and Families.

Approved: July 1, 1996.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

For the reasons set forth in the preamble, we propose to amend Chapter II of Title 45 of Code of Federal Regulations as follows:

PART 232—SPECIAL PROVISIONS APPLICABLE TO TITLE IV–A OF THE SOCIAL SECURITY ACT

1. The authority citation for Part 232 is amended to read as follows:

Authority: 42 U.S.C. 602, and 1302.

2. Section 232.12 is amended by revising the introductory text of paragraph (b) and paragraphs (b)(1) and (b)(3).

§ 232.12 Cooperation in obtaining support.

* * * * *

(b) The plan shall specify that ''cooperate'' includes any of the actions reflected in paragraphs (b) (1), (2), (3), or (4) of this section that are relevant to, or necessary for, the achievement of the objectives specified in paragraph (a) of this section:

(1) Appearing at an office of the State or local agency or the child support agency as necessary prior to receipt of benefits (or, if necessary for recipients, at redetermination) to provide verbal or written information, or documentary evidence known to, possessed by, or reasonably obtainable by the applicant or recipient.

(i) An applicant or recipient who knowingly provides false information shall be subject to prosecution for perjury.

(ii) States shall specify the actions, documents and information required of applicants and recipients to cooperate in achieving the objectives specified in paragraph (a).

(2) * * *

(3)(i) As part of the requirement to cooperate in paternity establishment, providing:

(A) The name of the putative father; and

(B) Sufficient additional information to enable the State agency, if reasonable efforts were made, to verify the identity of the person named; including such information as the putative father's social security number; date of birth; past or present address; telephone number; past or present place of employment; past or present school attended; names and addresses of parents, friends or relatives able to provide location information; or other information which could enable service of process on such person.

(ii) The State shall establish criteria for determining cooperation in cases where the individual cannot reasonably be expected to know the required identifying information about the father (including, but not limited to, cases where long term recipients do not know the required information due to a lapse of a long period of time since contact with the father).

* * * * *

3. Section 232.46 is revised to read as follows:

§ 232.46 Granting or continuation of assistance.

The plan shall provide that the State or local agency will not deny, delay, or discontinue assistance pending a determination of cooperation or good cause for refusal to cooperate if the applicant or recipient has complied with the requirements of §§ 232.12, 232.40(c) and 232.43 to furnish corroborative evidence and information. This requirement applies to the 45-day application processing time frame, a shorter application period as elected by the State and to all applications filed under any State-defined criteria for emergency processing.

PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

1. The authority citation for Part 235 continues to read as follows:

Authority: 42 U.S.C. 603, 616, and 1302.

2. Section 235.70 is amended by revising paragraph (b)(2), removing paragraph (b)(3), and redesignating paragraph (b)(4) as (b)(3) to read as follows:

§ 235.70 Prompt notice to child support or Medicaid agency.

* * * * *

(b) * * *

(1) * * *

(2) *Prompt notice* means written notice including a copy of the AFDC case record, or all relevant information as prescribed by the child support agency. Prompt notice must also include all relevant information as prescribed by the State medicaid agency for the pursuit of liable third parties. The prompt notice shall be provided within two working days of the filing of the application.

* * * * *

[FR Doc. 96–18116 Filed 7–16–96; 8:45 am]

BILLING CODE 4150–04–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[MM Docket No. 96–16, DA 96–1033]

Revision of Broadcast EEO Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: In *Streamlining Broadcast EEO Rules and Policies,* DA 96–1033, released June 26, 1996, (*Streamlining*), the Commission grants a motion for extension of time concerning the Commission's *Order and Notice of Proposed Rule Making,* MM Docket No. 96–16, (*NPRM*). A group of organizations request the extension of time due to, among other things, staff shortages. The Commission finds that the public interest favors grant of the motion for extension of time for filing comments, as well as a corresponding extension of time for filing reply comments.

DATES: Initial comments due July 11, 1996; reply comments due August 12, 1996.

ADDRESSES: Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Hope G. Cooper, Mass Media Bureau, Enforcement Division. (202) 418–1450.

SUPPLEMENTARY INFORMATION:

Adopted: June 26, 1996.
Released: June 26, 1996.
Comment Date: July 11, 1996.
Reply Comment Date: August 12, 1996.

1. On February 8, 1996, the Commission adopted an *Order and Notice of Proposed Rule Making,* 11 FCC Rcd 5154 (1996), 61 FR 9964 (March 12, 1996) (*NPRM*), which vacated the Commission's *EEO Forfeiture Policy Statement* and requested comment on proposals for amending the Commission's EEO Rule and policies. Comment and Reply Comment dates were established for April 30, 1996, and May 30, 1996, respectively.

2. On April 12, 1996, twenty organizations, including the Minority Media and Telecommunications Council (hereinafter ''Petitioners''), filed a Motion for Extension of Time to file comments in response to the above-captioned proceeding.[1] On April 26, 1996, the Commission granted the Petitioners' request for extension of time.[2] The date for filing comments was extended to July 1, 1996, and the date for filing reply comments was extended to July 31, 1996.

3. On June 20, 1996, Petitioners filed a Motion for Further Extension of Time. Therein, Petitioners request that we extend further the date for submission of comments in response to the *NPRM* by ten days, until July 11, 1996. Petitioners do not seek an extension of the reply comment deadline. In support of their request, petitioners state that they are conducting ''very extensive research on broadcast stations' EEO practices, in order to provide the Commission and the other parties with a useful database for evaluation of the Commission's proposals.'' [3] They assert that due to, among other things, staff shortages, ''it is physically impossible to complete this task by July 1.'' [4]

4. It is Commission policy that extensions of time not be routinely granted. *See* Section 1.46(a) of the Commission's Rules, 47 CFR Section 1.46(a). We believe, however, that the public interest favors grant of the request for extension of time for filing comments in this proceeding. In addition, we believe that the public interest favors a corresponding extension of time for filing reply comments. Accordingly, we will extend the date for filing comments to July 11, 1996, and extend the date for filing reply comments to August 12, 1996.

5. Accordingly, it is ordered that the Motion for Extension of Time filed by Petitioners is granted and that the Commission, on its own motion, also extends the time for filing reply comments.

6. It is therefore ordered that the dates for filing comments and reply comments in this proceeding ARE EXTENDED to July 11, 1996, and August 12, 1996, respectively.

7. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 4(i) and 303(r), and Sections 0.204(b), 0.283 and 1.46 of the Commission's Rules, 47 CFR Sections 0.204(b), 0.283 and 1.46.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 96–18077 Filed 7–16–96; 8:45 am]

BILLING CODE 6712–01–P

[1] *See* National Council of Churches *et al.,* Petition For Reconsideration and Clarification, MM Docket No. 96–16, filed April 11, 1996, at 1.

[2] FCC 96–198 (released: April 26, 1996), 61 FR 25183 (May 20, 1996).

[3] Minority Media and Telecommunications Council *et al.,* Motion For Further Extension of Time, MM Docket No. 96–16, filed June 20, 1996, at 1.

[4] *Id.* at 2.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 070596D]

New England Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day meeting to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will begin on Wednesday, July 17, 1996, at 10 a.m. and on Thursday, July 18, 1996, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, Route One, Peabody, MA; telephone (508) 535–4600. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1097; telephone: (617) 231–0422.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, (617) 231–0422.

SUPPLEMENTARY INFORMATION:

July 17, 1996

After introductions, the July 17 session will begin with a report on and discussion of the Canadian Program for Responsible Fishing Operations. The Marine Mammal Committee report will follow and include a recommendation to take final action on Framework Adjustment 16 to the Northeast Multispecies Fishery Management Plan (Multispecies FMP) that would extend the timing of the Mid-coast Closure Area. An additional measure under consideration for the same framework adjustment would prohibit the use of pelagic and any other gillnets in the harbor porpoise time/area closures under certain conditions.

In the afternoon, the Multispecies Groundfish Committee will review and possibly recommend changes to the gillnet effort reduction measures currently in the FMP. Additionally, they will discuss membership on the Council's Multispecies Monitoring Committee, progress on the development of a fishery management plan for whiting, and possible alternatives to the Gulf of Maine

groundfish area closures. The Council also will consider final action on Framework Adjustments 17 and 18, as explained below. There will also be an update on the Atlantic States Marine Fisheries Commission's (ASMFC's) Winter Flounder Plan.

July 18, 1996

The July 18 session will begin with reports from the Council Chairman; Executive Director; Director, Northeast Region, NMFS (Regional Director); and representatives from the Northeast Fisheries Science Center; ASMFC; U.S. Coast Guard; and the Mid Atlantic Council. The Herring Committee Chairman will brief the Council on the outcome of the most recent United States/Canada meeting. The Enforcement Committee will discuss its review of the management alternatives proposed for inclusion in the proposed monkfish fishery management plan (Monkfish FMP). There will be a discussion of the experimental fishery for mahogany quahogs in the Gulf of Maine. The Regional Director is considering an experimental fishery for vessels involved in a Fishing Industry Grant (FIG) entitled ''Local Production and Market Development for High Quality Cape Cod Shark Frozen Fillets.'' The objective of the project is to enhance dogfish processing and marketing. Operations under the FIG grant have become restricted by the implementation of Amendment 7 to the Multispecies FMP and therefore possibly threaten the success of the grant. Experimental fishing permits would be necessary for vessels to continue to operate as they had done under Amendment 5 to the FMP. The Regional Director is considering issuing experimental fishing permits for federally permitted vessels that may be involved in a continuation of a gear development project conducted by the Massachusetts Division of Marine Fisheries (MADMF) in the Cape Cod Bay/Massachusetts Bay area. The purpose of the experimental fishery is to continue to test and refine a MADMF constructed trawl and the associated fishing technique as a selective type of gear that can be used in the whiting fishery, as well as the dogfish and red hake fisheries. The MADMF expects its experimental net to retain primarily whiting, red hake, and dogfish while minimizing the catch of bottom dwelling groundfish. The information compiled by MADMF from last year's experiment has been reviewed by NMFS and supports continuation of the project.

The afternoon session will include reports from the Gear Conflict and Monkfish Committees. There will be a briefing on the most recent industry meeting concerning a proposed framework adjustment to address the Southern New England gear conflict situation, as well as a status report on the development of monkfish management alternatives. The Monkfish Committee will present a Monkfish FMP draft public hearing document for Council comment. The Council will address any other outstanding business at the conclusion of the agenda items described above.

Background for Framework Adjustments

Abbreviated Rulemaking—Northeast Multispecies

At the recommendation of its Marine Mammal Committee, the Council will consider final action on Framework Adjustment 16 to the Multispecies FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 648.90. The Council proposes to further reduce the bycatch of harbor porpoise in the Gulf of Maine sink gillnet fishery by extending the timing of the Mid-coast Closure Area. Currently, the use of sink gillnets is prohibited from November 1 through December 31. This adjustment would add September 15 through October 31 to the existing period. No change in area is proposed although the Council may recommend an experimental fishery to continue the assessment of the use of acoustic deterrents to mitigate the porpoise bycatch.

Final action also may be taken on a provision to prohibit the use of pelagic and other gillnets during the harbor porpoise time/area closures. The measure, which also would be included in Framework Adjustment 16, would allow such gillnets if they were constructed of mesh less than the regulated size of 6 inches (15 cm), were not anchored to the bottom but attached to the boat, had surface floats, and were set in the top third of the water column. The Council is considering two options for the length of the net, 300 feet (91 m) and 900 feet (274 m).

At the recommendation of its Groundfish Committee, the Council will consider final action on Framework Adjustments 17 and 18 to the Multispecies FMP. Framework Adjustment 17 would restore DAS to vessels that took time out of the groundfish fishery between May 31 and July 1 and were then subject to a DAS allocation under Amendment 7, which again subtracted days for those same months. This adjustment would rectify the inequity. Framework Adjustment 18 would allow herring/mackerel fishing with pelagic mid-water trawls in areas of Georges Bank now closed to all gear capable of catching groundfish.

The Council will consider public comments at a minimum of two Council meetings prior to making any final recommendations to the Regional Director under the provisions for abbreviated rulemaking cited above. If the Regional Director concurs with the measures proposed by the Council, he will publish them as a final rule in the Federal Register.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Douglas G. Marshall, New England Fishery Management Council (see **ADDRESSES**), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 11, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–18081 Filed 7–11–96; 4:51 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 138
Wednesday, July 17, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Modification of Total Amount of Tariff-rate Quota for Imported Raw Cane Sugar

AGENCY: Office of the Secretary, USDA.
ACTION: Notice.

SUMMARY: This notice modifies the aggregate quantity of raw cane sugar that may be entered under subheading 1701.11.10 of the Harmonized Tariff Schedule of the United States (HTS) during fiscal year 1996 (FY 96). As modified, such aggregate quantity is 2,167,195 metric tons, raw value.

EFFECTIVE DATE: June 12, 1996.

ADDRESSES: Inquiries may be mailed or delivered to the Sugar Team Leader, Import Policy and Programs Division, Foreign Agricultural Service, Room 5531, South Building, U.S. Department of Agriculture, Washington, D.C. 20250–1000.

FOR FURTHER INFORMATION CONTACT: Stephen Hammond (Sugar Team Leader); telephone: 202–720–1061.

SUPPLEMENTARY INFORMATION: Paragraph (a)(i) of additional U.S. note 5 to chapter 17 of the HTS provides, in part, that ''* * * the aggregate quantity of raw cane sugar entered, or withdrawn from warehouse for consumption, under subheading 1701.11.10, during any fiscal year, shall not exceed in the aggregate an amount (expressed in terms of raw value), not less than, 1,117,195 metric tons, as shall be established by the Secretary of Agriculture (hereinafter referred to as 'the Secretary'), and the aggregate quantity of sugars, syrups, and molasses entered, or withdrawn from warehouse for consumption, under subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10 and 2106.90.44, during any fiscal year, shall not exceed in the aggregate an amount (expressed in terms of raw value), not less than 22,000 metric tons, as shall be established by the Secretary.'' On August 3, 1995, the Secretary established the aggregate quantity of 1,117,195 metric tons, raw value, of raw cane sugar that may be entered under subheading 1701.11.10 of the HTS and the aggregate quantity of 22,000 metric tons (raw value basis) for certain sugars, syrups, and molasses that may be entered under subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44 of the HTS during FY 96. (60 FR 42142.) On November 9, 1995, the Secretary increased the aggregate quantity of raw cane sugar that may be entered under subheading 1701.11.10 to 1,417,195 metric tons. On January 17, 1996, the Secretary increased the aggregate quantity of raw cane sugar that may be entered under subheading 1701.11.10 to 1,817,195 metric tons. Again on April 1, 1996, the Secretary increased the aggregate quantity of raw cane sugar that may be entered under subheading 1701.11.10 to 2,017,195 metric tons.

Paragraph (a)(ii) of additional U.S. note 5 to chapter 17 of the HTS provides that ''[w]henever the Secretary believes that domestic supplies of sugars may be inadequate to meet domestic demand at reasonable prices, the Secretary may modify any quantitative limitations which have previously been established * * *.'' The U.S. sugar production estimate for FY 96, released on June 12, 1996, in the World Agricultural Supply and Demand Estimates (WASDE), was reduced by 130,000 short tons raw value (STRV) to 7.34 million STRV from the WASDE production forecast released on April 11, 1996. During this same period, the U.S. sugar ending stocks estimate declined by 344,000 STRV, to 1.31 million STRV. Both the current season-to-date (October 1 through June 11) average domestic wholesale refined sugar price (28.75 cents per pound), and the raw cane sugar price (22.62 cents per pound) are at their highest average in over five years.

Paragraph (b)(i) of U.S. additional note 5 proves that ''[t]he quota amounts established [by the Secretary] may be allocated among supplying countries and areas by the United States Trade Representative.''

Notice

Notice is hereby given that I have determined, in accordance with paragraph (a)(ii) of additional U.S. note 5 to chapter 17 of the HTS, that an aggregate quantity of up to 2,167,195 metric tons, raw value, of raw cane sugar described in subheading 1701.11.10 of the HTS may be entered or withdrawn from warehouse for consumption during the period from October 1, 1995 through September 30, 1996.

This modified quota amount will be allocated among supplying countries and areas by the United States Trade Representative.

Signed at Washington, D.C. on July 10, 1996.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 96–18089 Filed 7–16–96; 8:45 am]
BILLING CODE 3410–10–M

Forest Service

Long Draw Salvage Timber Sale, Okanogan National Forest, Okanogan County, Washington

AGENCY: Forest Service, USDA.
ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) for a proposal to salvage dead and dying timber in the Long Draw analysis area. The Long Draw Salvage project includes: A salvage timber sale of dead, dying and live trees in stands at risk to insect caused mortality; closure of a road; construction and reconstruction of roads; and a prescribed burn of shrub and grass lands to decrease shrub cover and invigorate native species. The EIS will develop and evaluate a range of alternatives for management of the resources in the project area. the alternatives will include the No Action alternative, involving no timber harvest or road construction, and alternatives in response to issues identified during the scoping process. The proposed action in consistent with the direction in the 1989 Okanogan National Forest Land and Resource Management Plan (Forest Plan), as amended, which provides the overall guidance for management of the area. The majority of the project area lies within the Long Draw and Long Swamp Roadless Areas. Implementation of the proposal is scheduled for Fiscal Year 1997. The agency invites written comments on this project. In addition,

the agency gives notice of this environmental analysis so that interested and affected people are aware of how they may participate and contribute to the decision making process.

DATES: Comments concerning this proposal must be received by August 15, 1996.

ADDRESSES: Submit written comments to John Townsley, Project Coordinator, Okanogan National Forest Supervisors Office, 1240 S. Second Avenue, Okanogan, Washington 98840, telephone: 509–826–3568.

FOR FURTHER INFORMATION: Direct questions about the proposed action and environmental analysis to John Townsley, Project Coordinator, Okanogan National Forest Supervisors Office, 1240 S. Second Avenue, Okanogan, Washington 98840, telephone: 509–826–3568.

SUPPLEMENTARY INFORMATION: The Long Draw analysis area consists of approximately 13,300 acres of primarily forested lands. The area is located 25 miles west of Tonasket, Washington, in the Toats Coulee watershed. Forest types include: Lodgepole pine; Englemann spruce; subalpine fir; mixed aspen/conifer; and mixed Douglas-fir/western larch forest. Since the late 1980s, lodgepole pine stands have experienced increasing tree mortality from a mountain pine beetle epidemic. It is estimated that of the 13,300 acres within the Long Draw analysis area boundary, over 9,000 acres have been attacked by the mountain pine beetle, throughout the project area, and have differing amounts of mortality. Mountain pine beetle attacks and kills lodgepole pine trees generally six inches in diameter or larger. Trees of this size, growing in crowded, overstocked conditions, are most at risk. The epidemic is expected to continue until all or most of the suitable host trees are killed.

The Analysis Area is allocated to the following Management Areas:

—Approximately 56 percent is in Management Area 5 which is designed to provide opportunities for recreation and viewing scenery in a roaded natural setting with a retention or partial retention scenic quality objective.

—Approximately 44 percent is in Management Area 12 which is designed to provide habitat to support a stable lynx population over the long term while accessing the area for the purpose of growing and producing merchantable wood fiber.

—Less than 1 percent is in Management Area 17 which is designed to provide a variety of developed recreation opportunities in a roaded setting.

Scoping for this project began in November 1995, and continued throughout development of an environmental assessment (EA) which was issued on June 21, 1996. In November 1995, a proposed action was mailed to interested individuals. This proposed action was based on preliminary information, with no detailed analysis. As a result of scoping and detailed analysis, a revised proposed action was developed. An EA was sent to the public on June 21, 1996. The Forest also hosted an open house in Seattle and a field trip to the analysis area to discuss the proposed action.

On July 2, 1996, Secretary of Agriculture Glickman issued direction that ''No salvage sale in inventoried roadless areas may go forward using authorities in section 2001(b) of Public Law 104–19, except * * * [where] trees 'imminently susceptible to fire' are located in areas with high fuel loading or where there is a high fire risk rating for a specific habitat type, and near local communities or occupied structures.'' Since the Long Draw area does not meet all of these elements and the Long Draw Salvage Timber Sale project is expected to have significant effects on the roadless character in the Long Draw and Long Swamp Roadless Areas, this environmental analysis will be documented in an EIS.

This EIS will tier to the Forest Plan as amended. The amended Forest Plan provides forest-wide standards and guidelines, management area standards and guidelines, and desired future conditions for the various lands on the Forest. This direction is provided for management practices that will be utilized during the implementation of the Forest Plan.

The Long Draw Salvage Timber Sale would salvage 1,129 acres of dead, dying, and live trees at risk of insect caused mortality, while maintaining adequate connectivity for lynx. Salvage would be done with regeneration and commercial thinning harvest methods, and would use ground-based logging systems. Approximately 15.7 miles of new road would be constructed, approximately 10.6 miles of road would be reconstructed, and approximately 0.4 miles of road would be closed.

The following issues have been identified in this proposed project: unroaded and undeveloped character of the area; salvage of dead and dying timber; economics; soils; inland fisheries, existing and future fire risk; wilderness; recreational opportunities; wildlife; forest health; and the cumulative effects of Federal and non-Federal actions.

The analysis will develop a range of alternatives from the No Action alternative to alternatives with varying degrees of timber harvest and road construction.

Public participation has been an important part of this analysis process, and will continue to be. The Forest Service has sought and will continue to seek information, comments, and assistance from other Federal, State and local agencies, and tribes, and other individuals or organizations who may be interested in or affected by the proposed project. This input has been and will be used in the preparation of the draft and final EISs.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review in August, 1996. Your comments and suggestions are encouraged and should be in writing. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the Federal Register.

The Forest Service believes it is important to give reviewers notice of their opportunity to participate, and of several court rulings related to public participation in the environmental review process. First, reviewers of draft EISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also environmental objections that could be raised at the draft stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F2d. 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can be meaningfully considered and responded to in the final EIS.

To assist the Forest Service in identifying and considering issues about the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement.

Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The final EIS is scheduled for completion in January 1997. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal. Sam Gehr, Forest Supervisor, Okanogan National Forest, is the responsible official. The responsible official will document the decision and rationale for the decision in the Record of Decision, which will be subject to Forest Service Appeal Regulations (36 CFR Part 215).

Dated: July 10, 1996.

Maureen T. Hyzer,

Acting Forest Supervisor.

[FR Doc. 96–18103 Filed 7–16–96; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Notice; Solicitation of Business Development Center Applications for Boston

AGENCY: Minority Business Development Agency, Commerce.

SUMMARY: In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications from organizations to operate the Boston Minority Business Development Center (MBDC).

The purpose of the MBDC Program is to provide business development assistance to persons who are members of groups determined by MBDA to be socially or economically disadvantaged, and to business concerns owned and controlled by such individuals. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of client services to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business. The MBDC will provide service in the Boston, Massachusetts Metropolitan Area. The award number of the MBDC will be 01–10–96002–01.

DATES: The closing date for applications is August 21, 1996. Applications must be received in the MBDA Headquarters' Executive Secretariat on or before August 21, 1996. A pre-application conference will he held on Tuesday, July 23, 1996, at 11:00 a.m., at the New York Regional Office, 26 Federal Plaza, Room 3720, New York, New York.

Proper identification is required for entrance into any Federal Building.

ADDRESSES: Completed application packages should be submitted to the U.S. Department of Commerce, Minority Business Development Agency, MBDA Executive Secretariat, 14th and Constitution Avenue, N.W., Room 5073, Washington, D.C. 20230.

FOR FURTHER INFORMATION AND AN APPLICATION PACKAGE, CONTACT: Heyward Davenport, Regional Director, at (212) 264–3262

SUPPLEMENTARY INFORMATION: In accordance with the Interim Final Policy published in the Federal Register on May 31, 1996, the cost-share requirement for the MBDCs listed in this notice has been increased to 40%. The Department of Commerce will fund up to 60% of the total cost of operating an MBDC on an annual basis. The MBDC operator is required to contribute at least 40% of the total project cost (the ''cost-share requirement'').

Cost-sharing contributions may be in the form of cash, client fees, third party in-kind contributions, non-cash applicant contributions or combinations thereof. In addition to the traditional sources of an MBDC's cost-share contribution, the 40% may be contributed by local, state and private sector organizations. It is anticipated that some organizations may apply jointly for an award to operate the center. For administrative purposes, one organization must be designated as the recipient organization.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (13 months) from October 1, 1996 to October 31, 1997, is estimated at $314,778. The total Federal amount is $188,867 and is composed of $184,260 plus the Audit Fee amount of $4,607. The application must include a minimum cost share of 40%, $125,911 in non-federal (cost-sharing) contributions for a total project cost of $314,778.

The funding instrument for this project will be a cooperative agreement. If the recommended applicant is the current incumbent organization, the award will be for 12 months. For those applicants who are not incumbent organizations or who are incumbents that have experienced closure due to a break in service, a 30-day start-up period will be added to their first budget period, making it a 13-month award. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated on the following criteria: the knowledge, background and/or capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (45 points), the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (25 points); and the firm's estimated cost for providing such assistance (20 points). In accordance with Interim Final Policy published in the Federal Register on May 31, 1996, the scoring system will be revised to add ten (10) bonus points to the application of community-based organizations. Each qualifying application will receive the full ten points. Community-based applicant organizations are those organizations whose headquarters and/or principal place of business within the last five years have been located within the geographic service area designated in the solicitation for the award. Where an applicant organization has been in existence for fewer than five years or has been present in the geographic service area for few than five years, the individual years of experience of the applicant organization's principals may be applied toward the requirement of five years of organization experience. The individual years of experience must have been acquired in the geographic service area which is the subject of the solicitation. An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant

with the highest point score will not necessarily receive the award. Periodic reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

The MBDC shall be required to contribute at least 40% of the total project cost through non-federal contributions. To assist in this effort, the MBDC may charge client fees for services rendered. Fees may range from $10 to $60 per hour based on the gross receipts of the client's business.

Anticipated processing time of this award is 120 days. Executive order 12372, ''Intergovernmental Review of Federal Programs,'' is not applicable to this program. Federal funds for this project include audit funds for non-CPA recipients. In event that a CPA firm wins the competition, the funds allocated for audits are not applicable. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640–0006.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

Pre-Award Costs—Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

Outstanding Account Receivable—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

Name Check Policy—All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Award Termination—The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the MBDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

False Statements—A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Primary Applicant Certifications—All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.''

Nonprocurement Debarment and Suspension—Prospective participants (as defined at 15 CFR Part 26, Section 26.105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies.

Drug-Free Workplace—Grantees (as defined at 15 CFR Part 26, Section 26.605) are subject to 15 CFR Part 26, Subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies.

Anti-Lobbying—Persons (as defined at 15 CFR Part 28, Section 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000 or the single family maximum mortgage limit for affected programs, whichever is greater.

Anti-Lobbying Disclosures—Any applicant that has paid or will pay for lobbing using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

Lower Tier Certifications—Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

Buy American-made Equipment or Products—Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program.

11.800 Minority Business Development Center
(Catalog of Federal Domestic Assistance)

Dated: July 11, 1996.

Frances B. Douglas,

Alternate Federal Register Liaison Officer, Minority Business Development Agency.

[FR Doc. 96–18104 Filed 7–16–96; 8:45 am]

BILLING CODE 3510–21–M

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that there will be a closed meeting of the Judges Panel of the Malcolm Baldrige National Quality Award on Wednesday, August 7, 1996. The Judges Panel is composed of nine members prominent in the field of quality management and appointed

by the Secretary of Commerce. The purpose of this meeting is to review the 1996 Award applications and to select applications to be considered in the site visit stage of the evaluation. The applications under review contain trade secrets and proprietary commercial information submitted to the Government in confidence.

DATES: The meeting will convene August 7, 1996, at 8:00 a.m. and adjourn at 5:00 p.m. on August 7, 1996. The entire meeting will be closed.

ADDRESS: The meeting will be held at the National Institute of Standards and Technology, Administration Building, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director for Quality Programs, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2361.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on March 29, 1996, that the meeting of the Panel of Judges will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409. The meeting, which involves examination of records and discussion of Award applicant data, may be closed to the public in accordance with Section 552b(c)(4) of Title 5, United States Code, since the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Dated: July 11, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–18142 Filed 7–16–96; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[I.D. 071096F]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Northern Habitat Panel will hold a public meeting.

DATES: The meeting will be held on July 30, 1996, beginning at 10 a.m.

ADDRESSES: The meeting will be held at the Conference Center of the Northwest Indian Fisheries Commission, 6700 Martin Way East, Olympia, WA; telephone: (360) 438–1180.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: John Coon, Fishery Management Coordinator (Salmon); telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss and develop recommendations for Council action on regional fishery habitat issues which merit consideration at this time.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Eric Greene at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: July 11, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–18075 Filed 7–16–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 071096E]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Council) will convene a public meeting of its salmon stock review team for Puget Sound chinook and Strait of Juan de Fuca coho salmon stocks.

DATES: The meeting will be held on July 31, 1996, beginning at 10 a.m.

ADDRESSES: The meeting will be held at the Conference Center of the Northwest Indian Fisheries Commission, 6700 Martin Way East, Olympia, WA; telephone: (360) 438–1180.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: John Coon, Fishery Management Coordinator (Salmon); telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to complete a review of the status of some Puget Sound chinook and Strait of Juan de Fuca coho stocks as required under the Council's salmon fishery management plan when a stock fails to meet its spawning escapement objective for 3 consecutive years.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Eric W. Greene at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: July 11, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–18076 Filed 7–16–96; 8:45 am]

DEPARTMENT OF ENERGY

Notice of Intent to Prepare An Environmental Impact Statement Concerning Interim Storage of Plutonium at the Rocky Flats Environmental Technology Site

AGENCY: Department of Energy.

ACTION: Notice of Intent.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA), in accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA and the DOE NEPA implementing regulations. DOE has identified a need to provide safe interim storage of approximately 10 metric tons of plutonium at the Rocky Flats Environmental Technology Site (RFETS). The plutonium at RFETS is in the form of both metals (including plutonium-bearing weapons components known as ''pits'') and oxides. The 10 metric ton amount includes the current plutonium inventory at RFETS as well as the additional inventory projected to be generated from future processing of plutonium residues into more stable forms suitable for safe storage. DOE intends to prepare an EIS to evaluate the potential environmental impacts associated with reasonable alternative means of providing the needed storage.

DATES: The public scoping period begins with the publication of this NOI and will continue until August 16, 1996. Written comments postmarked by that date will be considered in the preparation of the Rocky Flats Plutonium Storage Environmental Impact Statement (EIS). Comments

postmarked after that date will be considered to the extent practicable.

A public meeting is scheduled for Tuesday, August 6, 1996, from 6:00 p.m. to 9:00 p.m., at RFETS, Building 60 (located immediately off State Highway 93 at the RFETS west entrance).

ADDRESSES: Written comments or suggestions on the scope of the Rocky Flats Plutonium Storage EIS, including issues to be addressed, should be submitted to: Ms. Dorothy Newell, NEPA Document Manager, U.S. Department of Energy, Rocky Flats Field Office, Office of Material Stabilization and Disposition (Building 460), P.O. Box 928, Golden, CO 80402–0928, (Facsimile number 303–966–2497).

Envelopes should be marked ''Rocky Flats Plutonium Storage EIS''.

FOR FURTHER INFORMATION CONTACT: For further information on the Rocky Flats Plutonium Storage EIS, please contact: Ms. Dorothy Newell, NEPA Document Manager, U.S. Department of Energy, Rocky Flats Field Office, Office of Material Stabilization and Disposition (Building 460), Telephone number: 303–966–3521.

For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone number: 202–586–4600 or leave a message at 800–472–2756.

Addresses of reading rooms where additional Rocky Flats Plutonium Storage EIS information is available are listed in the Public Scoping Process section, below.

SUPPLEMENTARY INFORMATION: The DOE announces its intent to prepare an EIS pursuant to NEPA (42 USC 4321, *et seq.*), in accordance with the CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508) and the DOE NEPA implementing regulations (10 CFR Part 1021). DOE has identified the need to provide for safe interim storage of the approximately 10 metric tons of plutonium metals (including pits, which are plutonium-bearing weapons components) and oxides currently at the RFETS or projected to be generated from future processing of plutonium residues into more stable forms suitable for safe storage. DOE intends to prepare an EIS to evaluate the potential environmental impacts associated with alternative reasonable means of providing the needed storage.

DOE also announces its decision to defer completion of a RFETS Site-wide EIS (SWEIS), pending completion of a new cleanup agreement among DOE, the Environmental Protection Agency, and the State of Colorado for RFETS, and pending decisions that may result from issuance of the *Waste Management Programmatic Environmental Impact Statement* (WM PEIS) (DOE/EIS–0200–D, Draft EIS issued August 1995). At the time of the publication of the Notice of Intent (59 FR 40011, August 5, 1994) for the Rocky Flats SWEIS, the Department anticipated that the SWEIS would analyze reasonable alternatives regarding waste management, cleanup, economic conversion, and special nuclear materials (which include plutonium and highly enriched uranium) management activities at RFETS. Because future activities proposed at RFETS are expected to be heavily influenced by the terms of the new cleanup agreement and the programmatic decisions resulting from the WM PEIS, DOE has determined that it is preferable to defer completion of the SWEIS until these decisions are made.

Purpose and Need

RFETS, a Federal Government-owned, contractor-operated facility located near Golden, Colorado, began operations in 1952. RFETS's primary mission was the production of component parts for nuclear weapons. Although weapon component production ceased in 1989, RFETS still has a plutonium metal and oxide inventory (including pits) of 9.8 metric tons stored in six major buildings. In addition, current plans for processing plutonium-bearing residues into a more stable form suitable for storage will result in approximately 0.45 metric tons of plutonium oxide: 0.15 metric tons derived from stabilization of solutions and 0.3 metric tons from stabilization of solid residues.

As discussed further below, the Department needs to improve the storage arrangements for plutonium metals and oxides at RFETS. Although DOE is engaged in a programmatic (Department-wide) evaluation of alternatives for the long-term storage and disposition of plutonium, no decisions regarding long-term storage and disposition have yet been made. The analysis being undertaken by DOE in the Rocky Flats Plutonium Storage EIS for interim storage of plutonium metals and oxides at RFETS will serve to ensure that decisions on safe and cost-effective interim storage can be made and implemented in the event that long-term storage and disposition decisions, or the implementation of these decisions, should be delayed for any reason.

Background

A number of the buildings at RFETS, including those storing the site's plutonium inventory, are several decades old. In early 1994, RFETS began consolidating its entire plutonium metal and oxide inventory into Building 371, the newest and most structurally sound building at the site. DOE examined issues associated with the consolidation and safe storage of plutonium in Building 371 at levels above the building's historic limit in the *Consolidation and Interim Storage of Special Nuclear Material at the Rocky Flats Environmental Technology Site Environmental Assessment* (DOE/EA–1060, June 1995). In addition to enhancing the safety of plutonium storage at RFETS, this consolidation, when completed, will also reduce costs associated with operations, maintenance, and security of storage facilities.

In its Recommendation 94–3 (September 1994), the Defense Nuclear Facilities Safety Board, which oversees nuclear safety at DOE sites, questioned the suitability of Building 371 for storage of the RFETS plutonium inventory, in light of the uncertainty of the duration of the storage mission at RFETS. Recommendation 94–3 questioned the ability of Building 371 to withstand certain accident scenarios, especially earthquakes, that could potentially lead to the release of plutonium and pose a hazard to workers, the public, and the surrounding environment. The Board recommended that DOE formulate an integrated program plan to address the civil engineering, structural, seismic, and safety issues related to the storage activities in Building 371 and to specify building upgrades and improvements consistent with the building's storage mission. In response to the Board's recommendations, DOE initiated studies of safer and more cost effective plutonium storage methods at RFETS in parallel with its ongoing consolidation efforts. These studies provide much of the foundation for the preliminary alternatives identified below for ensuring safe interim storage of the RFETS plutonium inventory.

When the Notice of Intent for the SWEIS was published in 1994, DOE intended that the SWEIS would examine the environmental impacts associated with RFETS special nuclear materials management activities (including safe storage), waste management, cleanup, and economic conversion activities. With the exception of plutonium metal and oxide storage issues, the remaining activities

to be analyzed in the SWEIS are likely to be influenced by the new RFETS cleanup agreement and decisions based on completion of the Department's WM PEIS (discussed under ''Related Documentation,'' below). The RFETS cleanup agreement is intended to establish a process for setting enforceable cleanup milestones and accelerating cleanup actions. The WM PEIS (Draft EIS issued August 1995) addresses nationwide Departmental management alternatives for various categories of waste, and RFETS is considered in that document as a potential treatment, storage, and/or disposal location for some waste types. Upon completion of the RFETS cleanup agreement (planned for the summer of 1996) and issuance of Records of Decision for individual waste types for the WM PEIS (scheduled for early 1997), it is expected that the purpose and need, scope, and proposed actions for the RFETS SWEIS will be better defined. Therefore, completion of the SWEIS will be deferred, pending completion of the cleanup agreement and decisions resulting from the WM PEIS.

With regard, however, to the storage of RFETS plutonium metals and oxides, a decision on a course of action to ensure the continued safe interim storage of this material is required sooner than, and independently of, the waste management and land use decisions on which the planned SWEIS analysis would focus. For this reason, DOE has decided to proceed at this time to analyze storage alternatives in the Rocky Flats Plutonium Storage EIS rather than deferring this analysis to the SWEIS. However, any decisions made following completion of the Rocky Flats Plutonium Storage EIS will be included as appropriate in the cumulative impacts analysis in the SWEIS.

The Rocky Flats Plutonium Storage EIS will analyze alternatives for the safe interim storage of RFETS plutonium metals and oxides. Long-term storage and disposition options for these materials are being analyzed in DOE's *Storage and Disposition of Weapons-Usable Fissile Materials Programmatic EIS* (S&D PEIS)(DOE/EIS–0229–D, Draft EIS issued February 1996). Under the No Action alternative in the S&D PEIS, RFETS weapons-usable fissile materials would remain at the RFETS. Other alternatives considered in the S&D PEIS include the transportation and storage of this material to six other DOE sites: the Hanford Site in Washington, the Idaho National Engineering Laboratory, the Pantex Plant in Texas, the Savannah River Site in South Carolina, the Nevada Test Site, and the Oak Ridge Reservation in Tennessee. Any decisions resulting from the Rocky Flats Plutonium Storage EIS will be consistent with the decisions made as a result of the S&D PEIS analysis. The draft S&D PEIS was issued for public review in February 1996. The final S&D PEIS is scheduled to be completed in November 1996, and the Record of Decision is scheduled for December 1996, before the Record of Decision for the Rocky Flats Plutonium Storage EIS.

Public Scoping Process

To ensure that the Rocky Flats Plutonium Storage EIS addresses the full range of issues and alternatives related to the safe interim storage of RFETS plutonium metals and oxides, DOE invites all interested persons to submit relevant oral or written comments to Ms. Dorothy Newell at the address listed above. DOE also invites all interested persons to present oral and/or written comments at the public scoping meeting scheduled for August 6, 1996. All written and oral comments will be recorded and given equal weight in preparation of the draft Rocky Flats Plutonium Storage EIS.

Persons desiring to speak at the meeting are requested to submit their written requests by mail or facsimile to Ms. Dorothy Newell, at the address or number listed above, at least two working days before the meeting. Persons who register at the meeting will be called on to speak as time permits, after the pre-registered speakers. This meeting is scheduled for Tuesday, August 6, 1996, from 6:00 p.m. to 9:00 p.m., at RFETS, Building 60 (located immediately off State Highway 93 at the RFETS west entrance). Written comments also will be accepted at the meeting, and speakers are encouraged to provide written versions of their oral comments for the record.

DOE is committed to providing opportunities for the involvement of interested individuals and groups in the preparation of the EIS. DOE will publish additional notices of the date, time, and location of the public scoping meeting in local newspapers well in advance of the scheduled meeting date. If it becomes necessary to change the date, time, or location of the public scoping meeting, the changes will be announced in appropriate media.

DOE will record and prepare transcripts of the oral comments received during the public scoping meeting. Interested persons will be able to review the transcripts, written comments, reference material, related NEPA documents, and background information on RFETS during normal business hours at the following locations:

U.S. Department of Energy, Freedom of Information Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202–586–6020

U.S. Department of Energy, Rocky Flats Environmental Technology Site Public Reading Room, Front Range Community College Library, 3645 West 112th Avenue, Westminster, CO 80030, Telephone: 303–469–4435

Rocky Flats Environmental Technology Site, Citizens Advisory Board, 9035 Wadsworth Parkway, Suite 2250, Westminster, CO 80021, Telephone: 303–420–7855.

Preliminary Alternatives

Discussed below are the preliminary alternatives identified for safe interim storage of RFETS plutonium metal and oxide. DOE welcomes comments on these or other reasonable alternatives and on the identification of a preferred alternative.

Alternative 1—No Action: As required by Council on Environmental Quality and DOE regulations, the No Action alternative provides a reference point against which the environmental impacts associated with the other alternatives analyzed can be compared. In general, the No Action alternative consists of the continuation of ongoing storage activities and stabilization activities, and the initiation of any new activities for which NEPA analysis has already been completed.

Specifically, the No Action alternative consists of the continued consolidation of plutonium metals and oxides from other buildings into Building 371, and completion of immediate safety upgrades, such as installation of fasteners between beams and repairs to fire doors, in Building 371. The No Action alternative also includes the continuation of RFETS activities associated with the stabilization and repackaging of plutonium metals and oxides in compliance with DOE's Criteria for Safe Storage of Plutonium Metal and Oxide. These criteria include standards for material form, container specifications, packaging, and surveillance and inspection.

Alternative 2—On-Site Storage: In addition to the stabilization and repackaging activities and the immediate safety upgrades addressed in Alternative 1, this alternative would encompass the following two subalternatives:

a. New Storage Vault—A new storage vault would be constructed to store the entire RFETS plutonium metals and oxides inventory. Until the vault would be ready for operation, DOE would

continue to consolidate plutonium metals and oxides into Building 371 and undertake minimal structural and system upgrades in addition to those identified under Alternative 1.

b. Building 371 with Seismic Upgrades—DOE would continue to consolidate plutonium metals and oxides into Building 371 and would enhance the building's safety envelope with seismic and safety system upgrades. Upgrades to Building 371 under this subalternative would be more extensive than those defined for Alternative 1 or 2(a).

Alternative 3—Off-site Storage: This alternative incorporates the activities considered in Alternative 1 and provides for the interim storage of the RFETS plutonium metal and oxide at another DOE site. RFETS plutonium metals and oxides, packaged in accordance with the DOE Criteria for Safe Storage of Plutonium Metal and Oxide, would be shipped to one or more of the six sites that are being considered for long-term storage and disposition in the S&D PEIS and that have available storage capacity to meet the interim storage needs for the RFETS materials.

Preliminary Issues To Be Addressed

The Rocky Flats Plutonium Storage EIS will address the impacts of alternatives to the extent necessary to make a reasoned choice among the alternatives. The following preliminary issues are presented to facilitate public discussion of the Rocky Flats Plutonium Storage EIS. This presentation is not intended to be all inclusive.

1. Public and Occupational Safety and Health. The potential radiological and non-radiological impacts of the plutonium storage alternatives, including projected effects on workers and the public from routine operations and potential accidents.

2. Environmental Media. Potential impacts on soil, water, and the air.

3. Sensitive Environmental Resources. Potential impacts on plants, animals, and habitat, including impacts to flood plains, wetlands, and threatened and endangered species and their habitat.

4. Resource Consumption. Potential impacts from consumption of natural resources and energy, including water, natural gas, and electricity.

5. Socioeconomic. Potential impacts on local communities, including labor force employment and support services.

6. Environmental Justice. Potential for disproportionately high and adverse impacts of DOE activities on minority and low-income populations.

7. Cultural Resources. Potential impacts on cultural resources, such as historic, archeological, scientific, or culturally important sites.

8. Regulatory Compliance. The impacts of the alternatives on compliance of RFETS with applicable Federal and state laws and regulations.

9. Cumulative Impacts. The impacts of alternatives in conjunction with other past, present and reasonably foreseeable future actions regardless of agency (Federal or non-Federal) or persons undertaking such other actions.

10. Potential Irreversible and Irretrievable Commitment of Resources. The potential irreversible and irretrievable commitments of resources that would be involved in each alternative.

Related Documentation

Documents that have been or are being prepared that may relate to the scope of the Rocky Flats Plutonium Storage EIS include the following:

1. Consolidation and Interim Storage of Special Nuclear Material at Rocky Flats Environmental Technology Site Environmental Assessment (DOE/EA–1060) and Finding of No Significant Impact, issued June 1995. This Environmental Assessment addressed the stabilization and repackaging of plutonium metals and oxides and their consolidation into Building 371. These activities are in the baseline for the No Action alternative for the Rocky Flats Plutonium Storage EIS.

2. Actinide Solution Processing at the Rocky Flats Environmental Technology Site Environmental Assessment (DOE/EA–1039) and Finding of No Significant Impact, issued June 1994. This Environmental Assessment addressed the processing of approximately 30,000 liters of residue solutions at the RFETS. Decisions made as a result of this analysis are in the baseline for the No Action alternative and will generate approximately 0.15 metric tons of plutonium oxides, the storage of which will be considered in the Rocky Flats Plutonium Storage EIS.

3. Solid Residue Treatment, Repackaging, and Storage Environmental Assessment (DOE/EA–1120) and Finding of No Significant Impact, issued April 1996. This Environmental Assessment addressed the stabilization of the solid residue inventory and its packaging to meet the interim safe storage criteria. Decisions made as a result of this analysis are in the baseline for the No Action alternative and will generate approximately 0.3 metric tons of plutonium oxides, the storage of which will be considered in the Rocky Flats Plutonium Storage EIS.

4. Draft Storage and Disposition of Weapons-Usable Fissile Materials Programmatic Environmental Impact Statement (S&D PEIS) (DOE/EIS–0229–D, February 1996). This EIS analyzes the potential environmental impacts associated with approaches to long-term storage and disposition of the Department's weapons-usable fissile materials, including plutonium. Under the S&D PEIS No Action alternative, RFETS plutonium metals and oxides would remain at the RFETS. Under all other alternatives, RFETS material would be stabilized and packaged in accordance with the DOE Criteria for Safe Storage of Plutonium Metal and Oxide and transferred to another selected DOE site. The alternative sites include the Hanford Site in Washington, the Idaho National Engineering Laboratory, the Pantex Plant in Texas, the Savannah River Site in South Carolina, the Nevada Test Site, and the Oak Ridge Reservation in Tennessee. Any decisions resulting from the Rocky Flats Plutonium Storage EIS will be consistent with DOE decisions made as a result of the S&D PEIS. The S&D PEIS Record of Decision is scheduled to be issued in December 1996.

5. Rocky Flats Site-wide Environmental Impact Statement Notice of Intent (59 FR 40011, August 5, 1994). This Notice announced DOE's intention to prepare a SWEIS for RFETS. A SWEIS is a broad-scope, programmatic NEPA document that identifies and assesses individual and cumulative environmental effects of ongoing and reasonably foreseeable future actions. The Notice described the intended scope of the RFETS SWEIS as providing a basis for selection of a site-wide strategic approach for nuclear materials storage, waste management, cleanup, and economic conversion, as well as project-level decisions for land use, management of nuclear materials, deactivation of RFETS facilities, decontamination and decommissioning of existing facilities, and possible on-site and off-site transportation of radioactive, hazardous, and mixed waste. For the reasons noted above, the scope of the SWEIS is being modified so that issues associated with the safe interim storage of RFETS plutonium will be analyzed in the Rocky Flats Plutonium Storage EIS, and completion of the SWEIS has been deferred pending completion of a new RFETS cleanup agreement and decisions based on completion of the WM PEIS.

6. Draft Waste Management Programmatic Environmental Impact Statement (WM PEIS) (DOE/EIS–0200–D, August 1995). The WM PEIS considers programmatic aspects of

managing DOE waste; alternatives regarding the treatment, storage, and/or disposal of low-level, low-level mixed, hazardous, transuranic, and high-level waste are analyzed. While waste may be generated under the alternatives discussed in the Rocky Flats Plutonium Storage EIS, DOE expects that the amount would be small. Therefore, the Rocky Flats Plutonium Storage EIS will not materially impact the scope of the WM PEIS. Records of Decision based on the WM PEIS are scheduled for early 1997. Decisions to be made as a result of the Rocky Flats Plutonium Storage EIS will be coordinated with the decisions resulting from the WM PEIS.

7. Defense Nuclear Facilities Safety Board Recommendation 94–3, Rocky Flats Environmental Technology Site, Implementation Plan: Task 3, Study Site Storage Alternatives. Material Form and Packaging Alternatives (Deliverable 3–2a, November 22, 1995). As part of DOE's Implementation Plan for Board Recommendation 94–3, this study analyzes whether changes in material form and packaging could be used, in conjunction with building and location alternatives, to control the risk of interim storage of excess plutonium and highly enriched uranium at RFETS.

8. Defense Nuclear Facilities Safety Board Recommendation 94–3, Rocky Flats Environmental Technology Site, Implementation Plan: Task 3, Study Site Storage Alternatives, Interim Plutonium Storage Vault Alternatives Evaluation (Deliverable 3–2b, November 21, 1995). As part of DOE's Implementation Plan for Board Recommendation 94–3, this study identifies feasible facility alternatives for the interim storage of the RFETS plutonium and highly enriched uranium inventories.

Issued in Washington, DC, this 11 day of July 1996.

Tara O'Toole,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 96–18109 Filed 7–16–96; 8:45 am]

BILLING CODE 6450–01–P

Fonet, Inc;. Notice of Intent To Grant Exclusive Patent License

AGENCY: Department of Energy, Office of the General Counsel.

SUMMARY: Notice is hereby given of an intent to grant to Fonet, Inc. of Clearwater, Florida, an exclusive license to practice the invention described in U.S. Patent No. 5,205,624, entitled ''Material Isolation Enclosure.'' The invention is owned by the United States of America, as represented by the Department of Energy (DOE).

DATES: Written comments or nonexclusive license applications are to be received at the address listed below no later than September 16, 1996.

ADDRESSES: Office of Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Robert J. Marchick, Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, Forrestal Building, Room 6F–067, 1000 Independence Avenue, SW., Washington, DC 20585; Telephone (202) 586–4792.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 209(c) provides the Department with authority to grant exclusive licenses in Department-owned inventions, where a determination can be made, among other things, that the desired practical application of the invention has not been achieved, or is not likely expeditiously to be achieved, under a nonexclusive license. The statute and implementing regulations (37 CFR part 404) require that the necessary determinations be made after public notice and opportunity for filing written objections.

Fonet, Inc., of Clearwater, Florida, has applied for an exclusive license to practice the invention embodied in U.S. Patent No. 5,205,624, and has a plan for commercialization of the invention. The patent is entitled ''Material Isolation Enclosure,'' useful for isolating hazardous materials, including toxic substances and certain biological materials. The patent relates to an enclosure similar to a glovebox for isolating materials from the atmosphere, yet allowing a technician to manipulate the materials located inside the enclosure.

The exclusive license will be subject to a license and other rights retained by the U.S. Government, and other terms and conditions to be negotiated. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. § 209(c), unless, within 60 days of this notice, the Assistant General Counsel for Technology Transfer and Intellectual Property, Department of Energy, Washington, DC 20585, receives in writing any of the following, together with supporting documents.

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Department will review all timely written responses to this notice, and will grant the license if, after consideration of written responses to this notice, a determination is made that the license grant is in the public interest.

Issued in Washington, DC, on July 10, 1996.

Agnes P. Dover,

Deputy General Counsel for Technology Transfer and Procurement.

[FR Doc. 96–18108 Filed 7–16–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket Nos. CP94–260–007 and RP95–310–003]

Algonquin Gas Transmission Company; Notice of Compliance Filing

July 11, 1996.

Take notice that on June 20, 1996, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets, proposed to be effective July 1, 1996:

Sixth Revised Sheet No. 20
First Revised Original Sheet Nos. 36–37
Sheet Nos. 38–39
Third Revised Sheet No. 100
Sheet Nos. 238–240
First Revised Original Sheet Nos. 241–248
Sheet No. 249–599
Fourth Revised Sheet Nos. 678–680
Third Revised Sheet No. 680A
Third Revised Sheet No. 710
Fourth Revised Sheet No. 712
Third Revised Sheet No. 799
Sheet Nos. 936–939
First Revised Original Sheet Nos. 940–946
Sheet Nos. 947–1099

Algonquin states that the purpose of this filing is to comply with the Commission's order issued June 13 in Docket Nos. CP94–260–000 and RP95–310–00, *et al.* In that order, the Commission directed Algonquin to file tariff sheets effective July 1, 1996, within seven days of the date of the order. Algonquin requests that the Commission grant any waiver that may be necessary to place these tariff sheets into effect on the date requested.

Algonquin states that copies of the filing were mailed to all customers of Algonquin and interested state commissions.

Any person wishing to protest this filing should file a protest with the

Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests were due to be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18083 Filed 7–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–200–004]

NorAm Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

July 11, 1996.

Take notice that on July 2, 1996, NorAm Gas Transmission Company (NGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheet to be effective July 1, 1996:

Third Revised Sheet No. 7

NGT states that the revised tariff sheet is being filed to reflect specific negotiated rate transactions for the month of July, 1996.

NGT states that copies of the filing has been mailed to each of NGT's customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18087 Filed 7–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–4–49–000]

Williston Basin Interstate Pipeline Company; Notice of Fuel Reimbursement Charge Filing

July 11, 1996.

Take notice that on July 1, 1996, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff the following revised tariff sheets, with a proposed effective date of August 1, 1996:

Second Revised Volume No. 1

Nineteenth Revised Sheet No. 15
Eighth Revised Sheet No. 15A
Twenty-second Revised Sheet No. 16
Eighth Revised Sheet No. 16A
Nineteenth Revised Sheet No. 18
Eighth Revised Sheet No. 18A
Eighth Revised Sheet No. 19
Eighth Revised Sheet No. 20
Sixteenth Revised Sheet No. 21

Original Volume No. 2

Sixty-third Revised Sheet No. 11B

Williston Basin states that the revised tariff sheets reflect revisions to the fuel reimbursement charge and percentage components of the Company's relevant gathering, transportation and storage rates, pursuant to Williston Basin's Fuel Reimbursement Adjustment Provision, contained in Section 38 of the General Terms and Conditions of Williston Basin's FERC Gas Tariff, Second Revised Volume No. 1.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E. Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18088 Filed 7–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG96–79–000, et al.]

Empresa de Generaci N Eléctrica Nor Peru S.A., et al.; Electric Rate and Corporate Regulation Filings

July 10, 1996.

Take notice that the following filings have been made with the Commission:

1. Empresa de Generaci N Eléctrica Nor Peru S.A.

[Docket No. EG96–79–000]

On June 28, 1996, Empresa De Generación Eléctrica Nor Perú (''EGENOR''), filed with the Federal Energy Regulatory Commission an application for determinations of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Sixty percent of EGENOR, a Peruvian corporation, will be owned by Inversions Dominion Perú S.A., a wholly-owned indirect subsidiary of Dominion Energy, Inc., a Virginia corporation which in turn is a wholly-owned subsidiary of Dominion Resources, Inc., also a Virginia corporation.

EGENOR will own and operate two run-of-river hydroelectric facilities and six combustion turbine/diesel generator facilities in Peru with a combined installed capacity of approximately 405 MW. (collectively, the ''Facilities''). The Facilities are located in Huaylas Province, Chota Province, and the towns of Chimbote, Trujillo, Chiclayo, Piura, Sullana and Palta, Peru.

Comment date: July 31, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Glenns Ferry Cogneration Partners, Ltd.

[Docket No. EG96–80–000]

On July 3, 1996, Glenns Ferry Cogeneration Partners, Ltd. (''Applicant'') (c/o Jonathan W. Gottleib, Esq., Reid & Priest LLP, 701 Pennsylvania Avenue, NW, Washington, DC 20004) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant is a limited partnership organized and in good standing under the laws of the Colorado. Applicant was formed to own an electric generating facility to be located in Glenns Ferry, Idaho.

Comment date: July 31, 1996, in accordance with standard Paragraph E at the end of this notice. The

Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Rupert Cogeneration Partners, Ltd.

[Docket No. EG96–81–000]

On July 3, 1996, Rupert Cogeneration Partners, Ltd. (''Applicant'') (c/o Jonathan W. Gottleib, Esq., Reid & Priest LLP, 701 Pennsylvania Avenue, NW, Washington, DC 20004) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant is a limited partnership organized and in good standing under the laws of the Colorado. Applicant was formed to own an electric generating facility to be located in Rupert, Idaho.

Comment date: July 31, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Concord Electric Company

[Docket No. ER96–1429–000]

Take notice that on June 20, 1996, Concord Electric Company tendered for filing an amendment in the above-referenced docket.

Comment date: July 25, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Exeter & Hampton Electric Company

[Docket No. ER96–1430–000]

Take notice that on June 20, 1996, Exeter & Hampton Electric Company tendered for filing an amendment in the above-referenced docket.

Comment date: July 25, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Services, Inc.

[Docket No. ER96–2268–000]

Take notice that on June 28, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (Entergy Operating Companies), tendered for filing a Transmission Service Agreement (TSA) between Entergy Services, Inc. and Duke/Louis Dreyfus. Entergy Services states that the TSA sets out the transmission arrangements under which the Entergy Operating Companies provide non-firm transmission service under their Transmission Service Tariff.

Comment date: July 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Entergy Services, Inc.

[Docket No. ER96–2269–000]

Take notice that on June 28, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (Entergy Operating Companies), tendered for filing a Service Agreement for the sale of capacity and energy to Mississippi Power Company and Southern Company Services, Inc. as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric Power Company (collectively SCSI) pursuant to Rate Schedule SP—System Power accepted for filing by the Commission in Docket No. ER91–569. Entergy Services request waiver of the notice requirements to permit an effective date of June 1, 1995.

Comment date: July 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Entergy Services, Inc.

[Docket No. ER96–2270–000]

Take notice that on June 28, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (Entergy Operating Companies), tendered for filing a Letter Agreement for the sale of limited firm capacity and associated energy to Alabama Electric Cooperative, Inc. (AECI) pursuant to Service Schedule LF—Limited Firm Capacity and Energy of the Interchange Agreement between Entergy Mississippi, Inc. and AECI. Entergy Services requests waiver of the notice requirements to permit an effective date of July 1, 1995.

Comment date: July 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Entergy Services, Inc.

[Docket No. ER96–2271–000]

Take notice that on June 28, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (Entergy Operating companies), tendered for filing a Transmission Service Agreement (TSA) between Entergy Services, Inc. and Aquila Power Corporation. Entergy Services states that the TSA sets out the transmission arrangements under which the Entergy Operating Companies provide non-firm transmission service under their Transmission Service Tariff.

Comment date: July 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Entergy Services, Inc.

[Docket No. ER96–2272–000]

Take notice that on June 28, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (Entergy Operating Companies), tendered for filing a Transmission Service Agreement (TSA) between Entergy Services, Inc. and Southern Company Services, Inc. Entergy Services states that the TSA sets out the transmission arrangements under which the Entergy Operating Companies provide non-firm transmission service under their Transmission Service Tariff.

Comment date: July 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Entergy Services, Inc.

[Docket No. ER96–2273–000]

Take notice that on June 28, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (Entergy Operating Companies), tendered for filing a Transmission Service Agreement (TSA) between Entergy Services, Inc. and Commonwealth Edison Company. Entergy Services states that the TSA sets out the transmission arrangements under which the Entergy Operating Companies provide non-firm transmission service under their Transmission Service Tariff.

Comment date: July 23, 1996, in accordance with standard Paragraph E at the end of this notice.

12. Dayton Power and Light Company

[Docket No. ER96–2274–000]

Take notice that on June 28, 1996, Dayton Power and Light Company (DP&L) tendered for filing an executed bilateral agreement dated June 25, 1996 between DP&L and American Municipal Power-Ohio, Inc. (AMP-Ohio). Under the agreement DP&L will provide AMP-Ohio with 30 MW of non-firm point-to-point transmission service from DP&L's interconnection with Cincinnati Gas & Electric Company (CG&E) to DP&L's interconnection with The Ohio Edison Company (OE).

DP&L requests an effective date of July 1, 1996 and waiver of the Commission's notice requirements.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Montaup Electric Company

[Docket No. ER96–2275–000]

Take notice that on June 28, 1996, Montaup Electric Company tendered for filing an annual report titled Conservation and Load Management Informational Report Proposed Surcharge—June 28, 1996—supporting surcharges for the period July 1, 1996 through December 31, 1996. This annual report filing is required under a conservation and load management (C&LM) clause applied to service to Montaup's affiliated M-rate customers as amended by Montaup in a filing approved by the Commission on December 29, 1994 in Docket No. ER95–241–000. The informational report shows the surcharges that will be required to true up collections for the twelve months ended December 31, 1995 with actual C&LM cost for calendar-year 1995.

Comment date: September 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Boston Edison Company

[Docket No. ER96–2276–000]

Take notice that on June 28, 1996, Boston Edison Company (Boston Edison) tendered for filing a letter agreement between Boston Edison Company and Cambridge Electric Light Company (CEL). The tendered letter agreement extends the terms and conditions of the Substation 402 Agreement to and including September 30, 1996. The Substation 402 Agreement is designated as Boston Edison's FERC Rate Schedule No. 149. Boston Edison requests an effective date of June 30, 1996.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Entergy Services, Inc.

[Docket No. ER96–2277–000]

Take notice that on June 28, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (Entergy Operating Companies), tendered for filing a Letter Agreement for the sale of limited firm capacity and associated energy to Alabama Electric Cooperative, Inc. (AECI) pursuant to Service Schedule LF—Limited Firm Capacity and Energy of the Interchange Agreement between Entergy Mississippi, Inc. and AECI. Entergy Services requests waiver of the notice requirements to permit an effective date of June 1, 1995.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Midwest Energy, Inc.

[Docket No. ER96–2278–000]

Take notice that on June 28, 1996, Midwest Energy, Inc. (Midwest) tendered for filing Service Agreements for Opportunity Sales Service entered into between Midwest and the following customers:

City of Colby (Fully Executed)
City of Jetmore (Fully Executed)
City of Oakley (Fully Executed)
City of LaCrosse (Fully Executed)
City of Hill City, Kansas (Partially Executed)

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Louisville Gas and Electric Company

[Docket No. ER96–2281–000]

Take notice that on July 1, 1996, Louisville Gas and Electric Company tendered for filing copies of a service agreement between Louisville Gas and Electric Company and Electric Clearinghouse Inc. under Rate GSS.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Louisville Gas and Electric Company

[Docket No. ER96–2282–000]

Take notice that on July 1, 1996, Louisville Gas and Electric Company tendered for filing copies of a service agreement between Louisville Gas and Electric Company and Louis Dreyfus Electric Power Inc. under Rate GSS.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Central Power and Light Company, West Texas Utilities Company

[Docket No. ER96–2283–000]

Take notice that on July 1, 1996, Central Power and Light Company and West Texas Utilities Company, (jointly, the Companies) tendered for filing a service agreement under which they will provide transmission service to Calpine Power Services Company (Calpine) under their point-to-point transmission service tariff.

The Companies state that copies of the filing have been served on Calpine.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Public Service Company of Oklahoma, Southwestern Electric Power Co.

[Docket No. ER96–2284–000]

Take notice that on July 1, 1996, Public Service Company of Oklahoma and Southwestern Electric Power Company (collectively, the Companies) tendered for filing a Service agreement under which they will provide transmission service to Calpine Power Services Company (Calpine) under their point-to-point transmission service tariff.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Duke Power Company

[Docket No. ER96–2285–000]

Take notice that Duke Power Company (Duke or Company) on July 1, 1996, tendered for filing the Fifth Amendments to the Interconnection Agreements (Amendments) dated June 1, 1996, between the Company and North Carolina Electric Membership Corporation (NCEMC) and Saluda River Electric Cooperative, Inc. (Saluda River). Duke, NCEMC, and Saluda River are three of the joint owners of the Catawba Nuclear Station. Under the terms of the Interconnection Agreements, Duke interconnects its generation and transmission system with the Catawba Nuclear Station, wheels electric power and energy to the members of the other joint owners, provides supplemental capacity and energy to the members of the other joint owners, provides supplemental capacity and energy in excess of that provided by the owners' ownership interest, and provides back-up services. Duke states that these Amendments were entered into in connection with a settlement of certain disputes under the Interconnection Agreements which included the revision of those portions of the Interconnection Agreements that would facilitate the sale of Surplus Energy by NCEMC and Saluda River to third parties.

Duke states that the Interconnection Agreements are on file with the Commission and have been designated as follows:

Rate Schedule FERC No. 273 (NCEMC)
Rate Schedule FERC No. 274 (Saluda River)

Copies of this filing were mailed to NCEMC, Saluda River, the North Carolina Utilities Commission, and the

South Carolina Public Service Commission.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Illinois Power Company

[Docket No. ER96–2286–000]

Take notice that on July 1, 1996, Illinois Power Company (Illinois Power) tendered for filing firm and non-firm transmission agreements under which Eastern Power Corporation, Inc. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of July 1,1996.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Illinois Power Company

[Docket No. ER96–2287–000]

Take notice that on July 1, 1996, Illinois Power Company (Illinois Power) tendered for filing non-firm transmission agreements under which Tennessee Power Company will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of July 1, 1996.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Illinois Power Company

[Docket No. ER96–2288–000]

Take notice that on July 1, 1996, Illinois Power Company (Illinois Power) tendered for filing firm and non-firm transmission agreements under which National Gas & Electric L.P. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of July 1, 1996.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. Arizona Public Service Company

[Docket No. ER96–2289–000]

Take notice that on July 1, 1996, Arizona Public Service Company (APS), tendered for filing a Service Agreement under APS–FERC Electric Tariff Original Volume No. 1 (APS Tariff) with the following entity:

City of Azusa

A copy of this filing has been served on the above listed party and the Arizona Corporation Commission.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

26. Northern States Power Company (Minnesota Company)

[Docket No. ER96–2290–000]

Take notice that on July 1, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing the following Transmission Service Agreement between NSP and Wisconsin Public Service Company.

NSP requests that the Commission accept the agreement effective June 12, 1996, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

27. Northern Indiana Public Service Company

[Docket No. ER96–2291–000]

Take notice that on July 1, 1996, Northern Indiana Public Service Company, tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and Duke/Louis Dreyfus L.L.C.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to Duke/Louis Dreyfus L.L.C. under Northern Indiana Public Service Company's Power Sales Tariff, which was accepting for filing by the Commission and made effective by Order dated August 17, 1995 in Docket No. ER95–1222–000. Northern Indiana Public Service Company and Duke/Louis Dreyfus L.L.C. request waiver of the Commission's sixty-day notice requirement to permit an effective date of July 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

28. Northern Indiana Public Service Company

[Docket No. ER96–2292–000]

Take notice that on July 1, 1996, Northern Indiana Public Service Company, tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and TransCanada Power Corporation.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to TransCanada Power Corporation under Northern Indiana Public Service Company's Power Sales Tariff, which was accepting for filing by the Commission and made effective by Order dated August 17, 1995 in Docket No. ER95–1222–000. Northern Indiana Public Service Company and TransCanada Power Corporation request waiver of the Commission's sixty-day notice requirement to permit an effective date of July 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

29. New York State Electric & Gas Corporation

[Docket No. ER96–2293–000]

Take notice that on July 1, 1996, New York State Electric & Gas Corporation (NYSEG) tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.12, as an initial rate schedule, an agreement with Duke/Louis Dreyfus L.L.C. (D/LD). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to D/LD and D/LD will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on July 2, 1996, so that the parties may, if mutually agreeable, enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and D/LD.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

30. Upper Peninsula Power Company

[Docket No. ER96–2294–000]

Take notice that on July 1, 1996, Upper Peninsula Power Company (UPPCO), tendered for filing a proposed Power Service Agreement for sales of electricity to the Village of Baraga, Michigan. UPPCO states that the rates established in the Power Service

Agreement for 1996 will result in a decrease in revenues from sales to Baraga of approximately 9% annually. UPPCO has asked for waiver of the notice provisions of the Commission's regulations in order to make the Power Service Agreement effective in accordance with its terms beginning July 1, 1996.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

31. Florida Power Corporation

[Docket No. ER96–2295–000]

Take notice that on July 2, 1996, Florida Power Corporation, tendered for filing a modification to its power sales tariff. Florida Power requests that the Commission waive its notice requirements and allow the modification to take effect on July 2, 1996, the day on which it was filed.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

32. AIG Trading Corporation

[Docket No. ER96–2296–000]

Take notice that on July 1, 1996, AIG Trading Corporation (AIGTC), tendered for filing a letter from the Executive Committee of the Western Systems Power Pool (WSPP) indicating that AIGTC had completed all the steps for good membership. AIGTC requests that the Commission amend the WSPP Agreement to include it as a member.

AIGTC requests an effective date of July 1, 1996 for the proposed amendment. Accordingly, AIGTC requests waiver of the Commission's notice requirements for good cause shown.

Copies of the filing were served upon the WSPP Executive Committee.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

33. Indianapolis Power & Light Company

[Docket No. ER96–2297–000]

Take notice that on July 2, 1996, Indianapolis Power & Light Company (IPL), tendered for filing a letter agreement extending by one year to August 31, 1997, the service IPL currently provides to PSI Energy, a public utility subsidiary of Cinergy, under an existing interconnection agreement.

Copies of this filing were sent to the Indiana Utility Regulatory Commission and Cinergy.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

34. Union Electric Company

[Docket No. ER96–2298–000]

Take notice that on July 2, 1996, Union Electric Company (UE), tendered for filing a Transmission Service Agreement dated June 30, 1996 between Duke/Louis Dreyfus L.L.C. (D/LD) and UE. UE asserts that the purpose of the Agreement is to act out specific rates, terms, and conditions for transmission service transactions from UE to D/LD.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

35. Union Electric Company

[Docket No. ER96–2299–000]

Take notice that on July 2, 1996, Union Electric Company (UE), tendered for filing an Interchange Agreement dated June 30, 1996, between UE and Duke Power Company. UE asserts that the purpose of the Agreement is to set out specific rates, terms, and conditions for the types of power and energy to be exchanged.

Comment date: July 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (19 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18120 Filed 7–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR96–11–000]

Lee 8 Storage Partnership; Notice of Petition for Rate Approval

July 11, 1996.

Take notice that on June 14, 1996, Lee 8 Storage Partnership (Lee 8) filed pursuant to Section 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable market-based rates for firm and interruptible storage services to be rendered by Lee 8 at its Michigan storage facility or, in the alternative, cost based rates pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978. Lee 8 states that its rates for firm and/or interruptible storage services will be negotiated between Lee 8 and various shippers. In addition, Lee 8 states that it will charge 1% of the injected volumes and 1% of the withdrawal volumes as an allowance for compressor fuel and lost and unaccounted for gas on Lee 8's system.

Lee 8's petition states that Lee 8 is a Hinshaw pipeline exempt from Commission regulation under Section 11(c) of the Natural Gas Act, with facilities located wholly within the state of Michigan. Lee 8 states that its storage facility currently has a working gas capacity of 1,445,000 Mcf of natural gas.

Lee 8 states that it anticipates that it will utilize all of the working gas capacity at its Michigan storage facilities for third party service that will include both intrastate service and service in support of interstate commerce pursuant to its blanket certificate under 18 CFR 284.224. It is stated that Lee 8's storage services are structured to include both transportation to and from storage.

Lee 8 states that it will comply fully with its obligation under Part 284 of the Commission's regulations to offer NGPA Section 311(a)(2) storage services on a basis which is neither unduly preferential nor unduly discriminatory. It is stated, however, that Lee 8 will not be obligated to accept any proposal for storage service at its Michigan storage facility which Lee 8 determines is below the market rate for such service.

Pursuant to Section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date of Lee 8's Petition, Lee 8's market-based rates for firm and interruptible storage services will be deemed to be fair and equitable. The Commission may within such 150 day period extend the time for action or institute a proceeding in which all interested parties will be afforded an opportunity for written comments and the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All motions must be filed with the secretary of the Commission on or before July 26, 1996. The petition for rate approval is on file with the

Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18085 Filed 7–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR96–12–000]

The Montana Power Company; Notice of Petition for Rate Approval

July 11, 1996.

Take notice that on July 1, 1996, the Montana Power Company (Montana Power) filed a petition for rate approval pursuant to section 284.123(b)(2) of the Commission's regulations, as required by ordering paragraph (D) of the Commission's August 3, 1995 Order in Docket No. PR93–3 [72 FERC ¶ 61,146 (1995)], and ordering paragraph (2) of the Order Denying Petition for Adjustment in Docket No. SA96–1–000, as further extended by the Commission's Notice of Further Extension of Time dated April 25, 1996.

Montana Power states that it is a local distribution company as defined by the NGPA doing business in the State of Montana. Montana Power is requesting that the Commission approve as fair and equitable a maximum monthly demand charge of $6.7577 per MMBtu and a maximum commodity charge of $0.0360 per MMBtu for firm off-peak transportation service and a maximum rate of $0.2670 per MMBtu for interruptible transportation service plus an allowance of 2.56 percent for fuel for services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA). Montana Power proposes an effective date of July 1, 1996.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All motions must be filed with the Secretary of the Commission on or before July 26, 1996. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18086 Filed 7–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP95–52–000 and CP96–610–000]

Granite State Gas Transmission, Inc.; Notice of Intent To Prepare a Final Environmental Impact Statement for the Proposed Granite State LNG Project and Request for Comments on Environmental Issues

July 11, 1996.

On January 29, 1996, the Federal Energy Regulatory Commission (FERC) issued a Draft Environmental Impact Statement (DEIS) for the proposed Grantie State LNG Project in Docket No. CP95–52–000. However, on June 21, 1996, the Director of the Office of Pipeline Regulation of FERC dismissed the CP95–52–000 application without prejudice to the refiling of Granite State's proposal to change from a baseload to a peakshaving service. The dismissal letter also stated that all of the environmental information would be retained by the FERC staff and that Granite State could incorporate this material by reference if, and when, they file a new application reflecting a peakshaving facility. Subsequently, Granite State Gas Transmission, Inc. (Granite State) filed on application in Docket No. CP96–610–000 to reflect a change in the nature of the service from winter baseload to peakshaving. Granite State submits that the LNG facility proposed in this application is identical to the facility proposed in Docket No. CP95–52–000.

The FERC staff intends to continue preparing a Final Environmental Impact Statement (FEIS) for the Granite State LNG project (now in Docket No. CP96–610–000 rather than in CP95–52–000). A new DEIS will not be issued for public comment. The main change to the plant is in pumping requirements for the LNG plant to send out natural gas at a higher pressure. However, if anyone wishes to file additional comments on environmental topics to be addressed in the FEIS as a result of the new application, please follow the instructions below. If you have already submitted comments on the DEIS, you do not need to resubmit them.

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.
- Reference Docket No. CP96–610–000 Docket Nos. CP95–52–000, *et al.*
- Send a copy of your letter to Mr. Chris Zerby, EIS Project Manager, Federal Energy Regulatory Commission, 888 First Street, NE., Room 72–55, Washington, DC 20426; and
- Mail your comments so that they are received in Washington, DC on or before July 26, 1996.

For further information on the EIS process, call Chris Zerby, EIS Project Manager, at (202) 208–0111.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18084 Filed 7–16–96; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 1980–009 et al.]

Hydroelectric Applications [Wisconsin Electric Power Company, et al.]; Notice of Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1a. *Type of Application:* New Major License.

b. *Project No.:* P–1980–009.

c. *Date Filed:* February 27, 1996.

d. *Applicant:* Wisconsin Electric Power Company.

e. *Name of Project:* Big Quinnesec Falls Hydroelectric Project.

f. *Location:* On the Menominee River, in Florence and Marinette Counties, Wisconsin and Dickinson County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sections 791(a)–825(r).

h. *Applicant Contact:* Ms. Rita L. Hayen Wisconsin Electric Power Company 231 W. Michigan P.O. Box 2046 Milwaukee, WI 53201–2046.

i. *FERC Contact:* Patti Leppert-Slack (202) 219–2767.

j. *Comment Date:* September 6, 1996.

k. *Status of Environmental Analysis:* This application has been accepted for filing, but is not ready for environmental analysis at this time—see attached standard paragraph E1. The Big Quinnesec Project will be included in the applicant-prepared environmental assessment (APEA) process for the Upper Menominee River Basin Projects.

l. *Description of Project:* The proposed project would consist of the following: (1) an existing reservoir with a surface area of 272 acres and gross storage capacity of 3,790 acre-feet at the normal maximum surface elevation of 1034.9 feet, National Geodetic Vertical Datum; (2) an existing dam, consisting of: (a) a concrete non-overflow section, about 157 feet long, equipped with two

control gates, (b) an intake section, about 96 feet long, (c) a gated spillway section, about 229 feet long, equipped with 7 Taintor gates, (d) a concrete non-overflow section, about 145 feet long, and (e) two earth dikes, with a combined length of about 200 feet; (4) an existing concrete forebay, about 100 feet by 245 feet; (5) two existing 12 foot-diameter steel penstocks, each about 65 feet long; (6) an existing reinforced concrete powerhouse, containing two turbine/generator units, each with a rating of 1,875 kilowatts (kW); (7) two existing 12 foot-diameter steel penstocks, each about 250 feet long; (8) an existing reinforced concrete powerhouse, containing two turbine/generator units, each with a rating of 8,000 kW, providing a total project installed capacity of 19,750 kW; and (9) appurtenant facilities.

m. *Purpose of Project:* Project power is utilized in the applicant's power generation system.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2A, Washington, D.C., 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Wisconsin Electric Power Company, 333 W. Everett Street, Room A265, Milwaukee, WI 53203, between 8:00 a.m. and 4:30 p.m., Monday through Friday.

2a. *Type of Application:* Application to Grant an Easement to East Shores Homeowners Association to Construct a Private Marina.

b. *Project name and No:* Catawba-Wateree Project, FERC Project No. 2232–326.

c. *Date Filed:* June 12, 1996.

d. *Applicant:* Duke Power Company.

e. *Location:* Burke County, North Carolina, East Shores VI Subdivision on Lake, James near Morganton.

f. *Filed pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r)

g. *Applicant Contact:* Mr. E.M. Oakley Duke Power Company P.O. Box 1006 (EC12Y) Charlotte, NC 28201–1006 (704) 382–5778

h. *FERC Contact:* Brian Romanek, (202) 219–3076.

i. *Comment Date:* August 21, 1996.

j. *Description of the filing:* Application to grant an easement of 0.709 acre of project land to East Shores Homeowners Association to construct a private residential marina consisting of 32 floating boat slips. The proposed marina would provide access to the reservoir for residents of East Shores VI Subdivision. The proposed marina facility would consist of an access ramp and a floating slip facility. The slips would be anchored by using self driving, telescopic piles.

k. *This notice also consists of the following standard paragraphs:* B, C1, D2.

3a. *Type of Application:* Application to Grant an Easement to Diamondhead Venture to Construct a Private Marina.

b. *Project Name and No:* Catawba-Wateree Project, FERC Project No. 2232–327.

c. *Date Filed:* June 12, 1996.

d. *Applicant:* Duke Power Company.

e. *Location:* Iredell County, North Carolina, Diamondhead Subdivision on Lake Norman near Mooresville.

f. *Filed pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

g. *Applicant Contact:* Mr. E.M. Oakley, Duke Power Company, P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006, (704) 382–5778.

h. *FERC Contact:* Brian Romanek, (202) 219–3076.

i. *Comment Date:* August 21, 1996.

j. *Description of the filing:* Application to grant an easement of 0.78 acre of project land to Diamondhead Venture to construct a private residential marina consisting of 43 floating boat slips. The proposed marina would provide access to the reservoir for residents of Diamondhead Subdivision. The proposed marina facility would consist of an access ramp and a floating slip facility. The slips would be anchored by using self driving, telescopic piles.

k. *This notice also consists of the following standard paragraphs: B, C1, D2.*

4a. *Type of Application:* Major License.

b. *Project No.:* 1982–017.

c. *Date filed:* June 24, 1996.

d. *Applicant:* Northern States Power Company—Wisconsin.

e. *Name of Project:* Holcombe Project.

f. *Location:* On the Chippewa River in the Town of Holcombe in Chippewa and Rusk Counties, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Anthony G. Schuster, Northern States Power Company, 100 N. Barstow Street, P. O. Box 8, Eau Claire, WI 54702, (715) 839–2401.

i. *FERC Contact:* Julie Bernt (202) 219–2814.

j. *Comment Date:* 60 days from the filing date in paragraph C..

k. *Description of* Project: The existing project would consist of: (1) four earthen embankments that make up the dike system as follows: (a) North Dike located on the north bank of the Chippewa River is 700 feet long with a crest elevation of 1,055 feet; (b) South Dike located on the south bank of the Chippewa River is 200 feet long with a top elevation of 1.055 and is of zoned construction containing a compacted clay and/or silty sand core and a concrete core wall penetrating the compacted earth core; the North Dike and the South Dike make up the Holcombe Dam; (c) Holcombe Dike located 2,000 feet east of Holcombe Dam is 4,600 feet long and protects the town of Holcombe from flooding; and (d) Callahan Dike located 3 miles northeast of Holcombe Dam is 1,900 feet long and prevents the Jump River from bypassing the Holcombe Flowage; (2) an impoundment with a maximum surface area of 4,300 acres, a normal maximum water surface elevation of 1045.0 and 46,000 acre-feet of usable storage; (3) a powerhouse containing 6 generating units with a total rated capacity of 33 MW; (4) a 462-foot-long reinforced and mass concrete spillway equipped with 13, 30-foot-wide steel tainter gates; (5) a substation; and, (6) appurtenant facilities. The average annual energy production is 94,021 MWh. Applicant proposes no modification to the project.

l. With this notice, we are initiating consultation with the *WISCONSIN STATE HISTORIC PRESERVATION OFFICER (SHPO),* as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

5a. *Type of Application:* Major License.

b. *Project No.:* 11282–001.

c. *Date Filed:* November 21, 1995.

d. *Applicant:* Summit Hydropower, Inc.

e. *Name of Project:* Gainer Dam.

f. *Location:* On the North Branch Pawtuxet River, Town of Scituate, Providence County, Rhode Island.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. Duncan S. Broatch, 92 Rocky Hill Road, Woodstock, CT 06281, (860) 974–1620.

i. *FERC Contact:* Charles T. Raabe (202) 219–2811.

j. Deadline Date: September 16, 1996.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached paragraph D7.

l. *Description of Project:* The existing inoperative project would consist of: (1) a 3,500-foot-long, 109-foot-high earthen dam having a 450-foot-long overflow-type spillway at its right (southwest) abutment; (2) a reservoir, known as the Scituate Reservoir, having a 3,400-acre surface area and a 112,270 acre-foot gross storage capacity at spillway crest elevation 283 feet MSL; (3) an intake structure; (4) a powerhouse containing a rehabilitated 1,500-kW generating unit operated at an 82-foot-net head and at a flow of 300 cfs and containing a new 70-kW generating unit operated at an 82-foot-net head and at a flow of 14 cfs; (5) a 400-foot-long tailrace tunnel and a 700-foot-long excavated tailrace; (6) a 500-foot-long underground, 2.3-kV transmission line; (7) a 2.3/23-kV substation (8) a 1.5-mile-long 23-kV transmission line; and (9) appurtenant facilities.

The primary purpose for the existing facilities, owned by the Providence Water Supply Board (PWSB), is water supply for the City of Providence. Applicant estimates that the project average annual generation would be 2,968,000 kWh.

m. *This notice also consists of the following standard paragraphs:* A2, A9, B1, and D7.

n. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE., Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Summit Hydropower, Inc., 92 Rocky Hill Road, Woodstock, CT 06281.

6a. *Type of Application:* Exemption of Small Conduit Hydroelectric Facility.

b. *Project No.:* 11576–000.

c. *Date filed:* March 29, 1996.

d. *Applicant:* Mojave Water Agency.

e. *Name of Project:* Rock Springs Hydroelectric Project.

f. *Location:* On the Mojave River, near the town of Hesperia, in San Bernardino County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Mr. Lucien G. Hersh, Bechtel, 50 Beale Street, San Francisco, CA 94119–3965.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D–4.

k. *Comment date:* Sixty days from the issuance date of this notice.

l. *Description of Project:* The Rock Springs Project would utilize the approximately 25,000 acre-feet of flow annually discharged from the California Aqueduct into the Mojave River at the Morongo Basin pipeline turnout, which is part of the Upper Mojave River Recharge Project. This flow is discharged into the Mojave River to help recharge the groundwater aquifer there.

The project would consist of an 80-foot-long penstock bifurcating from the applicant's existing Morongo Basin pipeline, a powerhouse with a 2.6–MW generating unit, and a 1,600-foot-long tailrace returning water to the Mojave River. The project will tie into Southern California Edison's existing transmission corridor.

m. T*his notice also consists of the following standard paragraphs:* A2, A9, B1, and D4.

n. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Washington, D.C. 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the offices of Bechtel Civil, shown in item h above.

7a. *Type of Application:* New Major License.

b. *Project No.:* P–1932–004.

c. *Date Filed:* April 29, 1994.

d. *Applicant:* Southern California Edison Company.

e. *Name of Project:* Lytle Creek Hydroelectric Project.

f. *Location:* On Lytle Creek in San Bernardino County, California, near the town of Devore. The project is located within the San Bernardino National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791 (a)–825(r).

h. *Applicant Contact:* C. Edward Miller, Manager, Hydro Generation, Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, CA 91770, (818) 302–1564.

i. *FERC Contact:* Ms. Sabina Joe (202) 219–1648.

j. *Comment Deadline Date:* September 18, 1996.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time. See attached paragraph.

l. *Description of Project:* The proposed Lytle Creek Project consists of: (1) a 3-foot-high, 200-foot-long rubble masonry gravity dam; (2) a concrete intake structure with trashracks and fish screen; (3) a 4.3-mile long flowline system comprised of 13 tunnels, a flume, a concrete pipeline, siphons and surge tanks; (4) a concrete forebay; (5) a 1,546-foot-long steel penstock; (6) a powerhouse containing two generation units with a combined installed capacity of 500 kilowatts; (7) a 906-foot-long tailrace channel; (8) a 12-kV distribution tap; and (9) related facilities.

The average annual generation is about 3.7 gigawatthour (GWH). The hydraulic capacity of the plant is 23.8 cfs. The applicant does not propose to modify project facilties or operations of the Lytle Creek project.

m. *Purpose of Project:* Project power is distributed over the Applicant's distribution system to serve the electrical load needs on its own system.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Locations of Applications:* A copy of the application, as amended and supplemented, is available for inspection and reproduction in the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).

8a. *Type of Application:* New Major License.

b. *Project No.:* P–1933–010.

c. *Date Filed:* April 29, 1994.

d. *Applicant:* Southern California Edison Company (SCE).

e. *Name of Project:* Santa Ana River 1 and 2 Hydroelectric Project.

f. *Location:* On the Santa Ana River in San Bernardino County, near the town of Mentone. The project is located within the San Bernardino National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791 (a)–825(r).

h. *Applicant Contact:* C. Edward Miller, Manager, Hydro Generation, Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, CA 91770, (818) 302–1564.

i. *FERC Contact:* Ms. Sabina Joe (202) 219–1648.

j. *Comment Deadline Date:* September 18, 1996.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time. See attached paragraph.

l. *Description of Project:* The proposed project consists of two independent water conveyance and generation systems on the Santa Ana River.

Santa Ana 1 Project (SAR1) consists of: (1) a 6-foot-high, 40-foot-long dam on the Santa Ana River; (2) a 5-foot-high, 29-foot-long rubble concrete diversion dam on Bear Creek; (3) an intake/diversion structure on Breakneck Creek; (4) a 48-inch-diameter, 125-foot-long steel pipe carrying water; (5) a concrete lined sand box; (6) a 3-mile-long flowline comprised of 11,990 feet of tunnel, 851 feet of pipe in tunnel and 125 feet of steel conduit; (7) a 12 acre-feet concrete forebay; (8) two 3,111 foot-long steel penstocks; (9) a powerhouse containing 4 generating units (3,200 kw); (10) a concrete lined tailrace; (11) a 33-kv transmission line.

The average annual generation of SAR1 is about 13 gigawatthour (GWH). The hydraulic capacity of the plant is 93.3 cfs. The applicant does not propose to modify project facilities or operations of SAR1.

The proposed Santa Ana 2 Project (SAR2) consists of: (1) two intake structures; (2) a diversion and intake structure on Alder and Keller Creeks; (3) a 1.5 mile long flowline system comprised of 7,207 feet of tunnel, flumes, pipelines and 707 feet of siphon; (4) a 900 cfs concrete forebay; (5) a 644 foot long, 36 inch diameter steel penstock; (6) a powerhouse containing 2 generating units (800 kW); (7) a tailrace channel; (8) transmission distribution.

The average annual generation of SAR2 is about 6 GWH. The hydraulic capacity of the plant is 82.6 cfs.

The SAR2 system is linked to the upstream facilities, receiving water from the SAR1 powerhouse tailrace as well as from other sources. Water exiting the SAR2 powerhouse is immediately delivered into the flowline of the Santa Ana No. 3 (SAR3)[1] project located downstream of the SAR2 system.

SCE proposes to make two modifications to facilities and operations of the SAR 1 and 2 project: (1) The applicant proposes to release a minimum flow of 4 cfs from the SAR1 intake structure to enhance environmental resources (e.g., fish habitat and riparian plant communities) within the SAR1 bypass reach; and (2) the applicant proposes to relocate the SAR2 powerhouse and pressurize the SAR3 flowline. The powerhouse relocation is necessary to avoid inundation following construction of the Seven Oaks Dam; the flume must be pressurized to withstand inundation. The U.S. Army Corps of Engineers, in conjunction with local sponsors, is constructing the dam for flood control purposes in the Santa Ana River Canyon about one mile downstream of the SAR2 powerhouse.

m. *Purpose of Project:* Project power is distributed over the Applicant's distribution system to serve the electrical load needs on its own system.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Locations of Applications:* A copy of the application, as amended and supplemented, is available for inspection and reproduction in the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above.

9a. *Type of Application:* New Major License.

b. *Project No.:* P–1934–010.

c. *Date Filed:* April 29, 1994.

d. *Applicant:* Southern California Edison Company.

e. *Name of Project:* Mill Creek 2/3 Hydroelectric Project.

f. *Location:* On Mill Creek in San Bernardino County, California, near the town of Yucaipa. The project is located within the San Bernardino National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* C. Edward Miller, Manager, Hydro Generation, Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, CA 91770, (818) 302–1564.

i. *FERC Contact:* Ms. Sabina Joe, (202) 219–1648.

j. *Comment Deadline Date:* September 18, 1996.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time. See attached paragraph.

l. *Description of Project:* The proposed project consists of two independent water conveyance and generation systems on the Mill Creek.

Mill Creek No. 2 consists of: (1) the Mountain Home Creek diversion dam, a 3-foot-high, 42-foot-long, rubble-concrete weir with a crest elevation of 3,626 feet; (2) the Mill 2 River Pick-up, a 2-foot-high, 34-foot-long, rubble-concrete structure, with a crest elevation of 3,593 feet; (3) a concrete intake structure with trashracks, fishscreens and overflow pipe; (4) a 2.9 mile long flowline system comprised of 14,971 feet of concrete pipeline and 479 feet of flume; (5) a 600 cubic feet concrete lined forebay; (6) an 18-inch-diameter, 1,411 feet steel penstock; (7) a powerhouse containing 1 generating unit (capacity 250–KW); and (8) other appurtenant structures.

The Mill Creek Number 3 system consists of: (1) a 7-foot-high, 80-foot-long rubble concrete diversion dam, crest elevation 4,928 feet; (2) an intake structure with steel debris grid and fish wheel; (3) a 5.4-mile-long flowline comprised of 24,800 feet of flume and 3,607 feet of siphon; (4) a concrete sand box; (5) an 8,120-foot-long steel penstock; (6) a powerhouse containing 4 generating units (3,000 KW); (7) a 12 KV transmission line; and (8) other appurtenant structures.

The average annual combined generation of the Mill Creek 2/3 Hydroelectric project is about 14,103,000 kWh. Hydraulic capacity of the Mill Creek 2 plant is 8.8 cfs; the hydraulic capacity of the Mill Creek 3 plant is 24.4 cfs.

The applicant proposes to discontinue use of the Mill Creek No. 2 flowline but not to surrender the Mill Creek Number 2 system. As a result, the Mill Creek No. 2 diversion structures will no longer divert water into the Mill Creek No. 2 flowline.

m. *Purpose of Project:* Project power is distributed over the Applicant's distribution system to serve the electrical load needs on its own system.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Locations of Applications:* A copy of the application, as amended and supplemented, is available for inspection and reproduction in the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).

10a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* P–11583–000.

c. *Date Filed:* June 28, 1996.

d. *Applicant:* Franklin Hydro, Inc.

e. *Name of Project:* Hoosick Falls Hydro Project.

[1] The Santa Ana River Number 3 Hydroelectric Project (FERC No. 2198) is not considered in this proceeding.

f. *Location:* On the Hoosic River in Rensselaer County, near Hoosick, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. §§ 791 (a)–825(r).

h. *Applicant Contact:* Mr. Frank O. Christie, 8 East Main Street, Malone, NY 12953, (518) 483–1945.

i. *FERC Contact:* Ed Lee (202) 219–2809.

j. *Comment Date:* Within 60 days of the filing date.

k. *Description of Project:* The existing project would consist of: (1) an existing 16-foot-high and 149.5-foot-long dam; (2) an existing 16-acre reservoir; (3) a powerhouse containing two generating units for a total installed capacity of 1050 kW; (4) a 500-foot-long transmission line; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 3,700 MWh for the project.

l. With this notice, we are initiating consultation with the New York State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36, CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

11a. *Type of Application:* Minor License.

b. *Project No.:* 11530–000.

c. *Date filed:* April 5, 1995.

d. *Applicant:* Mitchell County, Iowa.

e. *Name of Project: Mitchell Mill Dam*.

f. *Location:* On the Cedar River near Mitchell in Mitchell County, Iowa.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Milton R. Owen, 415 Lime Kiln Road, Osage, IA 50461, (515) 732–5204.

i. *FERC Contact:* Julie Bernt (202) 219–2814.

j. *Deadline Date:* See paragraph D9.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of Project:* The proposed project consists of: (1) an existing 195-foot-wide concrete dam; (2) a 120-acrenatural impoundment; (3) two existing intake structures, one 19 feet wide and one 15 feet wide; (4) a 125-foot-wide concrete spillway; (5) an existing powerhouse containing two generating units with a total rated capacity of 900 kW; (6) an existing 220-foot-long transmission line; and, (7) appurtenant facilities. The applicant estimates that the total average annual generation would be 2,829,335 kWh. The cost of restoration would be $600,000. The project site is owned by Mitchell County.

m. *Purpose of Project:* Power produced would be sold to a local power company.

n. *This notice also consists of the following standard paragraphs:* A4 and D9.

o. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the offices of the applicant.

A2. Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D4. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time,

and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (September 9, 1996 for Project No. 11576–000). All reply comments must be filed with the Commission within 105 days from the date of this notice (October 21, 1996 for Project No. 11576–000).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008. All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

D7. Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

D9. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (September 9, 1996 for Project No. 11530). All reply comments must be filed with the Commission within 105 days from the date of this notice (October 23, 1996 for Project No. 11530).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

E1. Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower

Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Standard Paragraphs

Dated: July 11, 1996, Washington, D.C.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18118 Filed 7–16–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP96–609–000, et al.]

Columbia Gas Transmission Corporation, et al.; Natural Gas Certificate Filings

July 10, 1996.

Take notice that the following filings have been made with the Commission:

1. Columbia Gas Transmission Corporation

[Docket No. CP96–609–000]

Take notice that on June 28, 1996, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314–1599, filed in Docket No. CP96–609–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Johns-Manville Sales Corporation (J–M), all as more fully set forth in the application on file with the Commission and open to public inspection.

Columbia proposes to abandon the service, which was carried out under an agreement on file with the Commission as Columbia's Rate Schedules X–127 and authorized by the Commission in Docket No. CP85–184–000. It is stated that Columbia was purchasing natural gas from J–M at interconnections with J–M's wells in Guernsey, Noble and Muskingum Counties, Ohio, with a provision for J–M to retain 25 percent of the gas being purchased. Columbia was transporting the remainder to J–M's fiberglass manufacturing plant in Waterville, Ohio, with the deliveries being effected by Waterville Gas Company, the distributor, which is also a party to the agreement. Columbia states that it will cancel Rate Schedule X–127 on receipt of abandonment authorization. It is explained that no facilities will be abandoned, and no customers will lose service as a result of the proposed abandonment.

Comment date: July 31, 1996, in accordance with Standard Paragraph F at the end of this notice.

2. Great Lakes Gas Transmission Limited Partnership

[Docket No. CP96–615–000]

Take notice that on July 2, 1996, Great Lakes Gas Transmission Limited Partnership (Great Lakes), One Woodward Avenue, Suite 1600, Detroit Michigan 48226, filed in Docket No. CP96–615–000 an abbreviated application pursuant to Section 7(b) of the Natural Gas Act (NA), as amended, and Sections 157.7 and 157.18 of the Federal Energy Regulatory Commission's (Commission) Regulations thereunder, for permission and approval to abandon a natural gas transportation service for ANR Pipeline Company (AIR), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Great Lakes states that it proposes to abandon a transportation service for ANR originally certificated in Docket No. CP74–317 and performed under Great Lakes' Rate Schedule T–6. Great Lakes asserts that it currently transports gas under Rate Schedule T–6 for ANR from an interconnection between AIR's and Great Lakes' pipelines near Farwell, Michigan (Farwell Interconnection) to two interconnections between the two companies in St. Clair County, Michigan (Capac and Muttonville Interconnections). It is indicated that Great Lakes' current service for ANR under Rate Schedule T–6 is provided by Great Lakes during ANR's summer storage injection cycles related to AIR's Capac and Muttonville storage fields.

Great Lakes asserts that by ANR's letter date April 1, 1996, ANR has provided written notice to Great Lakes of its desire to cancel service under Rate Schedule T–6 effective April 1, 1997. Great Lakes states that it requests abandonment authorization effective on such date. It is indicated that no facilities are proposed to be abandoned.

Comment date: July 31, 1996, in accordance with Standard Paragraph F at end of this notice

3. Northern Natural Gas Company

[Docket No. CP96–617–000]

Take notice that on July 2, 1996, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP96–617–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to: (1) Abandon and remove two town border stations (TBS'), including appurtenant facilities, located in Mills and Story Counties, Iowa; and (2) abandon in-place one TBS, including appurtenant facilities and approximately 2,000 feet of 2-inch-diameter branchline NEB–52401 (known as the Roberts Dairy TBS branchline), located in Douglas County, Nebraska under Northern's blanket certificate issued in Docket No. CP82–401–000 pursuant to Section 7 of the Natural Gas Act (NGA), all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Specifically, Northern proposes to abandon and remove two TBS' and abandon in-place one TBS and approximately 2,000 feet of branchline described as follows:

TBS/Branchline	Location	Utility
Glenwood 1A TBS.	Section 2, T72N, R43W in Mills County, IA.	Utilicorp United, Inc.
Nevada TBS #2	Section 35, T84N, R23W in Story County, IA.	IES Industries, Inc.
Waterloo #2 TBS and the Roberts Dairy TBS branchline..	Section 4, T15N, R10E in Douglas County, NE.	Utilicorp United, Inc.

Northern states that the facilities to be abandoned are jurisdictional facilities under the NGA and were constructed pursuant to superseded 2.55 regulations, budget or blanket authority depending on the year the facilities were originally placed in-service.

Northern also states that it has been advised by the above utilities that gas service downstream of the TBS' described above has been discontinued and that the TBS' and appurtenant facilities may be removed. Northern states that it has determined that no other use exists for the facilities proposed to be abandoned herein.

Comment date: August 26, 1996, in accordance with Standard Paragraph G at the end of this notice.

4. Tennessee Gas Pipeline Company

[Docket No. CP96–618–000]

Take notice that on July 3, 1996, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP96–615–000, a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to install a new delivery point located in McNairy

County, Tennessee, under Tennessee's blanket certificate issued in Docket No. CP82–413–000 and Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee proposes to construct and operate a new delivery point for the Town of Selmer, Tennessee (Selmer). Tennessee states that it will own, operate and maintain the hot taps and measurement equipment and will operate the interconnect piping and meter. Tennessee indicates that Selmer will own and maintain the interconnect piping and meter station. Tennessee asserts that Selmer will reimburse Tennessee approximately $299,999 for these facilities. Tennessee further asserts that the installation of the proposed delivery point is not prohibited by Tennessee's existing tariff.

Tennessee states that it has sufficient capacity to accomplish deliveries at the proposed delivery point without detriment or disadvantage to Tennessee's other customers. Tennessee asserts that the total quantities to be delivered to Selmer after the delivery point is installed will not exceed the total quantities authorized prior to this request.

Comment date: August 26, in accordance with Standard Paragraph G at the end of this notice.

5. Koch Gateway Pipeline Company

[Docket No., CP96–620–000]

Take notice that on July 3, 1996, Koch Gateway Pipeline Company (Koch Gateway), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP96–620–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange service with Southern Natural Gas Company (Southern) which was authorized in Docket No. CP78–51–000,[1] all as more fully set forth in the application on file with the Commission and open to public inspection.

Koch Gateway proposes to abandon an exchange service with Southern because the service is no longer necessary or beneficial and both parties have agreed to terminate the exchange service.

Comnment date: July 31, 1996, in accordance with Standard Paragraph F at the end of this notice.

6. National Fuel Gas Supply Corporation

[Docket No. CP96–622–000]

Take notice that on July 3, 1996, National Fuel Gas Supply Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed an application pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Commission's Regulations for an order granting permission and approval to abandon certain storage services it provides to Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern) under National's Rate Schedule SS–1. The application is on file with the Commission and open to public inspection.

In its application, National requests authorization, effective August 15, 1996, to abandon its SS–1 service, which National states was authorized in Docket No. CP76–492,[2] to Bay State and Northern in connection with the conversion of these services to service under National's FSS and FST Rate Schedules, both provided under Part 284 of the Commission's Regulations.

Comment date: July 31, 1996, in accordance with Standard Paragraph F at the end of this notice.

7. Trunkline LNG Company

[Docket No. CP–96–623–000]

Take notice that on July 5, 1996, Trunkline LNG Company (Trunkline LNG), P.O. Box 1642, Houston, Texas 77251–1642, filed an abbreviated application with the Commission in Docket No. CP96–623–000 pursuant to section 7(b) of the Natural Gas Act, as amended, and Part 157 of the Commission's Regulations for authorization to abandon approximately 1.358 acres of land leased by Trunkline LNG. Trunkline LNG states that the release of such acreage is necessary to allow road improvements by Calcasieu Parish, Louisiana, all as more fully set forth in the application which is open to the public for inspection.

Comment date: July 31, 1996, in accordance with Standard paragraph F at the end of this notice.

8. Columbia Gas Transmission

[Docket No. CP–96–626–000]

Take notice that on July 5, 1996, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP–96–626–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate the facilities necessary to establish seven additional points of delivery to existing customers for firm transportation service under Columbia's blanket certificate issued in Docket No. CP83–76–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Columbia proposes to construct and operate the necessary facilities to establish seven new points of delivery for firm transportation service under Part 284 of the commission's regulations and existing authorized Rate Schedules and within certificated entitlements, as follows:

Customer	Location of delivery point
Columbia Gas of Pennsylvania, Inc.	Fayette County, Pennsylvania.
Mountaineer Gas Company	Kanawha County, West Virginia.
	(2) Wayne County, West Virginia
	Wetzel County, West Virginia.
	Tucker County, West Virginia.
Waterville Gas & Oil Company.	Wood County, Ohio.

Columbia estimates that the quantities of natural gas to be delivered to each of the new points of delivery as 1.5 Dth/day and 150 Dth annually, except for the Ohio delivery point where the estimate is 1.6 Dth/day and 200 Dth annually.

Columbia states that the cost to install the new taps would be approximately $150 per tap and would be treated as an O&M expense.

Comment date: August 26, 1996, in accordance with standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to

[1] *See* FERC ¶61,158 (1978).

[2] *See*, 38 FERC ¶61,135 (1987).

participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18119 Filed 7–16–96; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1120–DR]

Commonwealth of Pennsylvania; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Pennsylvania, (FEMA–1120–DR), dated June 18, 1996, and related determinations.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Manage ment Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 28, 1996, the President amended the major disaster declaration of June 18, 1996, under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania, resulting from flooding on June 12, 1996, is of sufficient severity and magnitude to warrant the expansion of the incident type to include severe storms and the expansion of the incident period to include damage which occurred through June 19, 1996, in the major disaster declaration of June 18, 1996, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act'').

All other conditions specified in the original declaration remain the same.

Please notify the Governor of the Commonwealth of Pennsylvania and the Federal Coordinating Officer of this amendment to my major disaster declaration.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–18133 Filed 7–16–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1120–DR]

Commonwealth of Pennsylvania; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Pennsylvania, (FEMA–1120–DR), dated June 18, 1996, and related determinations.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Pennsylvania, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 18, 1996:

The counties of Adams, Beaver, Bedford, and Franklin, for Individual Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dennis H. Kwiatkowski,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–18134 Filed 7–16–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL HOUSING FINANCE BOARD

[No. 96–N–5]

Notice of Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 added a new Section 10(g) to the Federal Home Loan Bank Act of 1932 requiring that members of the Federal Home Loan Bank (FHLBank) System meet standards for community investment or service in order to maintain continued access to long-term FHLBank System advances. In compliance with this statutory change, the Federal Housing Finance Board (Housing Finance Board) promulgated Community Support regulations (12 CFR Part 936). Under the review process established in the regulations, the Housing Finance Board will select a certain number of members for review each quarter, so that all members that are subject to the Community Reinvestment Act of 1977, 12 U.S.C. § 2901 *et seq.*, (CRA), will be reviewed once every two years. The purpose of this Notice is to announce the names of the members selected for the second quarter review (1996–97 cycle) under the regulations. The Notice also conveys the dates by which members need to comply with the Community Support regulation review requirements and by which comments from the public must be received.

DATES: *Due Date for Member Community Support Statements for Members Selected in Second Quarter Review:* August 30, 1996.

Due Date for Public Comments on Members Selected in Second Quarter Review: August 30, 1996.

FOR FURTHER INFORMATION CONTACT: Mitchell Berns, Director, Office of Supervision, (202) 408–2562, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006. A telecommunications device for deaf persons (TDD) is available at (202) 408–2579.

SUPPLEMENTARY INFORMATION:

A. Selection for Community Support Review

The Housing Finance Board currently reviews all FHLBank System members that are subject to CRA approximately once every two years. Approximately one-eighth of the FHLBank members in each district will be selected for review by the Housing Finance Board each calendar quarter. To date, only members that are subject to CRA have been reviewed. In selecting members, the Housing Finance Board follows the chronological sequence of the members' CRA Evaluations post-July 1, 1990, to the greatest extent practicable, selecting one-eighth of each District's membership for review each calendar quarter. However, the Housing Finance Board will postpone review of new members until they have been System members for one year.

Selection for review is not, nor should it be construed as, any indication of either the financial condition or Community Support performance of the institutions listed.

B. List of FHLBank Members To Be Reviewed in the Second Quarter, Grouped by FHLBank District

Member	City	State
Federal Home Loan Bank of Boston—District 1 P.O. Box 9106, Boston, Massachusetts 02205–9106		
Branford Savings Bank	Branford	CT
First FS&LA of East Hartford	East Hartford	CT
Enfield FS&LA	Enfield	CT
Essex Savings Bank	Essex	CT
First National Bank of New England	Hartford	CT
Farmers and Mechanics Bank	Middletown	CT
First City Bank	New Britain	CT
Bank of New Haven	New Haven	CT
Cargill Bank of Connecticut	Putnam	CT
North Middlesex Savings Bank	Ayer	MA
Boston Private Bank & Trust Co.	Boston	MA
First FSB of Boston	Boston	MA
First Trade Union S.B., FSB	Boston	MA
South Boston Savings Bank	Boston	MA
Union Federal Savings Bank	Boston	MA
Greater Boston Bank, A Co-operative Bank	Brighton	MA
Peoples Federal Savings Bank	Brighton	MA
Easthampton Co-operative Bank	Easthampton	MA
Everett Savings Bank	Everett	MA
Citizens-Union Savings Bank	Fall River	MA
Foxboro FS&LA	Foxboro	MA
Foxboro National Bank of Foxboro	Foxboro	MA
Georgetown Savings Bank	Georgetown	MA
First Essex Bank, FSB	Lawrence	MA
Marblehead Savings Bank	Marblehead	MA
Medford Co-operative Bank	Medford	MA
Plymouth Savings Bank	Middleborough	MA
Monson Savings Bank	Monson	MA
Lawrence Savings Bank	North Andover	MA
Warren Five Cents Savings Bank	Peabody	MA
Saugus Co-operative Bank	Saugus	MA
Scituate Federal Savings Bank	Scituate	MA
Middlesex Federal Savings, F.A.	Somerville	MA
Spencer Savings Bank	Spencer	MA
Hampden Savings Bank	Springfield	MA
Bristol County Savings Bank	Taunton	MA
Federal Savings Bank	Waltham	MA
Auburn S&LA	Auburn	ME
Augusta Federal Savings Bank	Augusta	ME
First N.B. of Bar Harbor	Bar Harbor	ME
First FS&LA of Bath	Bath	ME
Brunswick Federal Savings, F.A.	Brunswick	ME
Aroostook County FS&LA	Caribou	ME
Kennebunk Savings Bank	Kennebunk	ME
Skowhegan Savings Bank	Skowhegan	ME
Kennebec FS&LA	Waterville	ME
Federal Savings Bank	Dover	NH
Farmington National Bank	Farmington	NH
Franklin Savings Bank	Franklin	NH
Citizens NH	Manchester	NH
Meredith Village Savings Bank	Meredith	NH
BayBank, FSB	Nashua	NH
Primary Bank	Peterborough	NH

Member	City	State
Portsmouth Savings Bank	Portsmouth	NH
Salem Co-operative Bank	Salem	NH
First Brandon National Bank	Brandon	VT
Vermont National Bank	Brattleboro	VT
Howard Bank, N.A.	Burlington	VT
Vermont Federal Bank, FSB	Williston	VT
Woodstock National Bank	Woodstock	VT

Federal Home Loan Bank of New York—District 2
Seven World Trade Center
22nd Floor
New York, New York 10048–1185

Axia Federal Savings Bank	Avenel	NJ
Pamrapo Savings Bank, S.L.A.	Bayonne	NJ
Ocean Federal Savings Bank	Brick	NJ
Farmers' & Mechanics' S.B., F.S.B.	Burlington	NJ
Inter-Boro S&LA	Cherry Hill	NJ
Central Jersey Savings Bank	East Brunswick	NJ
Freehold S&LA	Freehold	NJ
GSL Savings Bank, SLA	Guttenberg	NJ
Oritani Savings Bank, SLA	Hackensack	NJ
Investors Savings Bank	Millburn	NJ
Millington Savings Bank	Millington	NJ
Dollar Savings Bank, SLA	Newark	NJ
Ocean City Home S&LA	Ocean City	NJ
Amboy National Bank	Old Bridge	NJ
Lakeview Savings Bank	Paterson	NJ
First Savings Bank	Perth Amboy	NJ
Ridgewood Savings Bank of NJ	Ridgewood	NJ
South Bergen Savings Bank	Wood Ridge	NJ
ALBANK, fsb	Albany	NY
Amsterdam FS&LA	Amsterdam	NY
Brooklyn Federal Savings Bank	Brooklyn	NY
Canisteo S&LA	Canisteo	NY
Canton FS&LA	Canton	NY
Home Federal Savings Bank	Douglaston	NY
Elmira Savings and Loan, F.A.	Elmira	NY
Glen Falls National Bank and Trust Company	Glen Falls	NY
Gloversville FS&LA	Gloversville	NY
Provident Savings Bank, F.A.	Haverstraw	NY
Maple City S&LA	Hornell	NY
Sunnyside FS&LA of Irvington	Irvington	NY
Maspeth FS&LA	Maspeth	NY
Massena S&LA	Massena	NY
Medina S&LA	Medina	NY
Long Island Savings Bank, FSB	Melville	NY
Union State Bank	Nanuet	NY
Carver Federal Savings Bank	New York	NY
Dime Savings Bank of New York, fsb	New York	NY
Ogdensburg FS&LA	Ogdensburg	NY
Wilber National Bank	Oneonta	NY
First Federal Savings Bank	Peekskill	NY
Schenectady FS&LA	Schenectady	NY
Yonkers S&LA	Yonkers	NY

Federal Home Loan Bank of Pittsburgh—District 3
601 Grant Street
Pittsburgh, Pennsylvania 15219–4455

Delaware National Bank	Georgetown	DE
Artisans' Savings Bank	Wilmington	DE
Laurel Savings Bank	Allison Park	PA
Investment S&LA	Altoona	PA
Reliance Savings Bank	Altoona	PA
Peoples Home Savings Bank	Beaver Falls	PA
Pennwood Savings Association	Bellevue	PA
Columbia County Farmers N.B.	Bloomsburg	PA
Bryn Mawr Trust Company	Bryn Mawr	PA
Community Bank, N.A.	Carmichaels	PA
Charleroi Federal Savings Bank	Charleroi	PA
East Stroudsburg SA	East Stroudsburg	PA
Citizens N.B. of Evans City	Evans City	PA
Armstrong County B&LA	Ford City	PA

Member	City	State
Greenville Savings Bank	Greenville	PA
First Commonwealth Bank	Indiana	PA
Westmoreland FS&LA of Latrobe	Latrobe	PA
First National Bank of Leesport	Leesport	PA
Keystone Savings Bank	Lehigh Valley	PA
Mifflin County Savings Bank	Lewistown	PA
First Citizens National Bank	Mansfield	PA
First National Bank of Mifflintown	Mifflintown	PA
First Federal Savings Bank	Monessan	PA
Parkvale Savings Bank	Monroeville	PA
Prudential Savings Bank	Philadelphia	PA
NorthSide Bank	Pittsburgh	PA
Troy Hill FS&LA	Pittsburgh	PA
Workingmens Savings Bank, FSB	Pittsburgh	PA
Liberty Savings Bank	Pottsville	PA
Elk County S&LA	Ridgway	PA
Sewickley Savings Bank	Sewickley	PA
Keystone State Savings Bank	Sharpsburg	PA
First N.B. of Slippery Rock	Slippery Rock	PA
Union National Bank & Trust Co.	Souderton	PA
First N.B. of Spring Mills	Spring Mills	PA
Grange N.B. of Wyoming County	Tunkhannock	PA
Main Line Federal Savings Bank	Villanova	PA
Washington Federal Savings Bank	Washington	PA
First FS&LA of Greene County	Waynesburg	PA
Citizens & Northern Bank	Wellsboro	PA
First Century Bank, NA	Bluefield	WV
Huntington FS&LA	Huntington	WV
First National Bank of Keystone	Keystone	WV
Merchants National Bank	Montgomery	WV
Doolin Security Savings Bank, FSB	New Martinsville	WV
United N.B. of Parkersburg	Parkersburg	WV
First FS&LA of Ravenswood	Ravenswood	WV
First FS&LA of Sistersville	Sistersville	WV

Federal Home Loan Bank of Atlanta—District 4
P.O. Box 105565
Atlanta, Georgia 30348

No members selected		

Federal Home Loan Bank of Cincinnati—District 5
P.O. Box 598
Cincinnati, Ohio 45201

First American Bank	Ashland	KY
First Federal Bank for Savings	Ashland	KY
Bank of Edmonson County	Brownsville	KY
United Citizens Bank and Trust Co.	Campbellsburg	KY
Citizens Bank & Trust Company	Campbellsville	KY
Farmers & Traders Bank of Campton	Campton	KY
Carrollton FS&LA	Carrollton	KY
First Kentucky FSB	Central City	KY
First National Bank	Central City	KY
Peoples Bank of Northern KY, Inc.	Crestview Hills	KY
Farmers National Bank of Cynthiana	Cynthiana	KY
Central Kentucky FS&LA	Danville	KY
United Kentucky Bank of Pendleton	Falmouth	KY
Columbia Federal Savings Bank	Fort Mitchell	KY
Harlan National Bank	Harlan	KY
Harrodsburg First FS&LA	Harrodsburg	KY
First FS&LA	Hazard	KY
Fifth Third Savings Bank of Northern Kentucky	Hebron	KY
Bank of Magnolia	Hodgenville	KY
Mid-America Bank, FSB	LaGrange	KY
First Lancaster FSB	Lancaster	KY
Citizens National Bank	Lebanon	KY
First FSB of Leitchfield	Leitchfield	KY
Home Federal Savings & Loan of Ludlow	Ludlow	KY
First State Bank of Pineville	Middlesboro	KY
Home Federal Bank	Middlesboro	KY
Middlesboro Federal Bank, F.S.B	Middlesboro	KY
Peoples Bank	Mount Washington	KY
Bank of Mt. Vernon	Mt. Vernon	KY

Member	City	State
Jessamine First FS&LA	Nicholasville	KY
Family Bank, FSB	Paintsville	KY
Security First Network Bank, FSB	Pineville	KY
Central Bank of North Pleasureville	Pleasureville	KY
First Bank and Trust Company	Princeton	KY
Trans Financial Bank, FSB	Russellville	KY
Liberty National Bank	Ada	OH
Industrial S&LA	Bellevue	OH
Bridgeport S&LA	Bridgeport	OH
Peoples Savings and Loan Company	Bucyrus	OH
First N.B. of Southeastern Ohio	Caldwell	OH
Guernsey Bank, a FSB	Cambridge	OH
Clifton Heights Loan & Building Co	Cincinnati	OH
Home Bank, FSB	Cleveland	OH
First City Bank	Columbus	OH
Valley Savings and Loan Company	Cuyahoga Falls	OH
First Federal Savings and Loan	Defiance	OH
Fidelity FS&LA of Delaware	Delaware	OH
Elyria Savings and Trust N.B	Elyria	OH
First FS&LA of Galion	Galion	OH
Home Building and Loan Company	Greenfield	OH
Greenville FS&LA	Greenville	OH
Mayflower Savings and Loan Company	Groesbeck	OH
Home Federal Bank, a FSB	Hamilton	OH
First FS&LA	Ironton	OH
Lawrence Federal Savings Bank	Ironton	OH
Liberty FS&LA	Ironton	OH
Citizens Bank of Logan	Logan	OH
Mechanics Savings Bank	Mansfield	OH
Peoples FS&LA	Massillon	OH
Metropolitan S.B. of Cleveland	Mayfield Heights	OH
Miami Savings and Loan Company	Miamitown	OH
Security Savings Association	Milford	OH
Nelsonville Home and S.A.	Nelsonville	OH
First FS&LA of Newark	Newark	OH
Geauga Savings Bank	Newbury	OH
Security Dollar Bank	Niles	OH
National Bank of Oak Harbor	Oak Harbor	OH
Valley Central Savings Bank	Reading	OH
Citizens Banking Company	Sandusky	OH
Peoples FS&LA	Sidney	OH
Monroe FS&LA	Tipp City	OH
Van Wert Federal Savings Bank	Van Wert	OH
Home Savings and Loan Association	Wapakoneta	OH
Adams County Building and Loan Co.	West Union	OH
Commerce National Bank	Worthington	OH
First FSB of Youngstown	Youngstown	OH
Mutual Federal Savings Bank, a Stock Corp.	Zanesville	OH
Dollar Bank, FSB	Pittsburgh	PA
Bank of Bartlett	Bartlett	TN
Bank of Bolivar	Bolivar	TN
Union Planters Bank of Chattanooga, N.A.	Chattanooga	TN
Farmers and Merchants Bank	Clarksville	TN
Farmers and Merchants Bank	Dyer	TN
First Citizens National Bank	Dyersburg	TN
Elizabethton Federal Savings Bank	Elizabethton	TN
First Citizens Bank	Hohenwald	TN
Progressive Savings Bank, FSB	Jamestown	TN
Marion Trust & Banking Company	Jasper	TN
Home Federal Bank of TN, FSB	Knoxville	TN
Union Planters Bank of E. TN, N.A.	Knoxville	TN
First Central Bank	Lenoir City	TN
Lexington First FSB	Lexington	TN
American Savings Bank	Livingston	TN
Volunteer FS&LA	Madisonville	TN
First National Bank of McMinnville	McMinnville	TN
First Federal Bank, FSB	Memphis	TN
Leader Federal Bank for Savings	Memphis	TN
Franklin Federal Savings Bank	Morristown	TN
Jefferson FS&LA	Morristown	TN
First Federal Bank, FSB	Nashville	TN
Union Planters Bank of Middle Tennessee, N.A.	Nashville	TN
Union Planters Bank of N.W. TN	Paris	TN
Citizens Community Bank	Winchester	TN

Member	City	State
Federal Home Loan Bank of Indianapolis—District 6 P.O. Box 60 Indianapolis, Indiana 46205–0060		
First FSB of Angola	Angola	IN
Peoples FSB of Dekalb County	Auburn	IN
Peoples Federal Savings Bank	Aurora	IN
Farmers and Mechanics FS&LA	Bloomfield	IN
First State Bank	Bourbon	IN
Columbus Bank and Trust Company	Columbus	IN
English State Bank	English	IN
Home Loan Bank, SB	Fort Wayne	IN
Farmers Bank, Frankfort	Frankfort	IN
Newton County Loan & SA	Goodland	IN
First FS&LA	Greensburg	IN
Greensburg S&LA	Greensburg	IN
Lake FS&LA of Hammond	Hammond	IN
HFS Bank, F.S.B	Hobart	IN
Security Federal Savings Bank	Logansport	IN
First FSB of Marion	Marion	IN
Michigan City S&LA	Michigan City	IN
People's Bank and Trust Company	Mount Vernon	IN
First Merchants Bank, N.A	Muncie	IN
Mutual Federal Savings Bank	Muncie	IN
American Savings, FSB	Munster	IN
Community Bank	Noblesville	IN
First National Bank of Odon	Odon	IN
Lincoln Federal Savings Bank	Plainfield	IN
Harrington Bank, FSB	Richmond	IN
First Parke State Bank	Rockville	IN
Rockville National Bank	Rockville	IN
Scottsburg Building and LA	Scottsburg	IN
Home Federal Savings Bank	Seymour	IN
Owen Community Bank, s.b	Spencer	IN
First Farmers State Bank	Sullivan	IN
Peoples Building and LA	Tell City	IN
Terre Haute First National Bank	Terre Haute	IN
First Federal Bank, a FSB	Vincennes	IN
First FSB of Wabash	Wabash	IN
First FS&LA of Washington	Washington	IN
Home Building Savings Bank, FSB	Washington	IN
Peoples National Bank & Trust Co	Washington	IN
First Federal S&LA of Alpena	Alpena	MI
Eaton Federal Savings Bank	Charlotte	MI
Hastings City Bank	Hastings	MI
Kalamazoo County State Bank	Schoolcraft	MI
Franklin Bank, N.A	Southfield	MI
First National Bank of St. Ignace	St. Ignace	MI
Northwestern Savings Bank & Trust	Traverse City	MI
Federal Home Loan Bank of Chicago—District 7 111 East Wacker Drive Suite 700 Chicago, Illinois 60601		
Bank of Alton	Alton	IL
First FS&LA of Barrington	Barrington	IL
Belvidere National Bank and Trust	Belvidere	IL
First FSB of Belvidere	Belvidere	IL
Farmers State Bank of Camp Point	Camp Point	IL
Greene County N.B. in Carrollton	Carrollton	IL
First Federal of Champaign-Urbana	Champaign	IL
Charleston FS&LA	Charleston	IL
Broadway Bank	Chicago	IL
Central FS&LA of Chicago	Chicago	IL
Fidelity Federal Savings Bank	Chicago	IL
First Security FSB	Chicago	IL
Liberty Bank for Savings	Chicago	IL
Lincoln Park Savings Bank	Chicago	IL
Universal Federal Savings Bank	Chicago	IL
Collinsville Building and LA	Collinsville	IL
Home FS&LA of Collinsville	Collinsville	IL
First Federal Bank for Savings	Des Plaines	IL
Calumet Federal S&LA of Chicago	Dolton	IL

Member	City	State
West Suburban Bank of Aurora, FSB	Downers Grove	IL
First FS&LA	Edwardsville	IL
Today's Bank—East	Freeport	IL
Farmers National Bank in Geneseo	Geneseo	IL
First National Bank of Jonesboro	Georgetown	IL
Glenview State Bank	Glenview	IL
Guardian Savings Bank FSB	Granite City	IL
Herrin Security Bank	Herrin	IL
Security Savings Bank, FSB	Hillsboro	IL
South End Savings, a F.A	Homewood	IL
Kansas State Bank	Kansas	IL
Eureka Savings Bank	La Salle	IL
First State Bank of W. Illinois	LaHarpe	IL
First National Bank of Illinois	Lansing	IL
Lisle Savings and Loan Association	Lisle	IL
Milford Building and LA	Milford	IL
Southeast National Bank of Moline	Moline	IL
Nashville Savings Bank	Nashville	IL
Citizens Savings Bank, F.S.B	Normal	IL
Peoples Bank and Trust of Pana	Pana	IL
Home Guaranty Savings Association	Piper City	IL
Poplar Grove State Bank	Poplar Grove	IL
First Robinson Savings & Loan, F.A	Robinson	IL
Rochelle S&LA	Rochelle	IL
Rock Island Bank	Rock Island	IL
Alpine Bank of Illinois	Rockford	IL
Damen Federal Bank for Savings	Schaumburg	IL
First Federal Savings and Loan	Shelbyville	IL
Tampico National Bank	Tampico	IL
First Federal Bank, F.S.B	Waukegan	IL
First National Bank of Bangor	Bangor	WI
Guaranty Bank, S.S.B	Brown Deer	WI
Bank of Edgar	Edgar	WI
Fox Valley S&LA	Fond du Lac	WI
National Exchange Bank and Trust	Fond du Lac	WI
First Northern Savings Bank, S.A	Green Bay	WI
Park Bank	Holmen	WI
Ixonia State Bank	Ixonia	WI
Advantage Bank, F.S.B	Kenosha	WI
First FSB La Crosse-Madison	La Crosse	WI
Ladysmith FS&LA	Ladysmith	WI
Markesan State Bank	Markesan	WI
Fidelity National Bank	Medford	WI
Merrill FS&LA	Merrill	WI
Continental Savings Bank, S.A	Milwaukee	WI
Lincoln Savings Bank	Milwaukee	WI
Farmers and Merchants Bank	Reedsburg	WI
M&I Bank SSB	Sheboygan	WI
Spencer State Bank	Spencer	WI
First Financial Bank, FSB	Stevens Point	WI
First Bank of Tomah	Tomah	WI
Farmers State Bank of Waupaca	Waupaca	WI
Paper City Savings Association	Wisconsin Rapids	WI

Federal Home Loan Bank of Des Moines—District 8
907 Walnut Street
Des Moines, Iowa 50309

Brenton Savings Bank, FSB	Ames	IA
First American Bank	Ames	IA
Citizens Savings Bank	Anamosa	IA
Community State Bank	Ankeny	IA
Ashton State Bank	Ashton	IA
Chelsea Savings Bank	Belle Plaine	IA
Liberty Bank and Trust	Bloomfield	IA
Hawkeye Federal Savings Bank	Boone	IA
Midwest FS&LA of Eastern Iowa	Burlington	IA
Guaranty Bank and Trust Company	Cedar Rapids	IA
Central Trust and Savings Bank	Cherokee	IA
Page County Federal S.A	Clarinda	IA
First State Bank	Conrad	IA
First FSB of Creston, F.S.B	Creston	IA
Mercantile Bank, FSB	Davenport	IA
State FS&LA of Des Moines	Des Moines	IA

Member	City	State
Fidelity Bank and Trust	Dyersville	IA
Community Savings Bank	Edgewood	IA
First American Bank	Fort Dodge	IA
Grinnell Federal Savings Bank	Grinnell	IA
Hampton State Bank	Hampton	IA
Independence Federal Bank for Savings	Independence	IA
Farmers State Bank	Jesup	IA
Liberty Savings Bank, FSB	Johnston	IA
Security Bank Jasper-Poweshiek	Kellogg	IA
First Community Bank, a FSB	Keokuk	IA
Keokuk Savings Bank and Trust Co	Keokuk	IA
Keystone Savings Bank	Keystone	IA
Iowa State Savings Bank	Knoxville	IA
Cedar Valley Bank and Trust	La Porte City	IA
Marshalltown Savings Bank, FSB	Marshalltown	IA
Interstate FS&LA	McGregor	IA
Mid-Iowa Savings Bank, FSB	Newton	IA
Citizens Bank	Sac City	IA
American State Bank	Sioux Center	IA
Northwest Federal Savings Bank	Spencer	IA
First FSB of the Midwest	Storm Lake	IA
Story County Bank & Trust Company	Story City	IA
Farmers Savings Bank	Walford	IA
State Bank of Waverly	Waverly	IA
First National Bank of Aitkin	Aitkin	MN
Viking Savings Association, F.A	Alexandria	MN
21st Century Bank	Balaton	MN
First State Bank of Bigfork	Bigfork	MN
First National Bank of Blue Earth	Blue Earth	MN
Brainerd S&LA, F.A	Brainerd	MN
Oakley National Bank of Buffalo	Buffalo	MN
First National Bank of Coleraine	Coleraine	MN
Western National Bank of Duluth	Duluth	MN
State Bank of Faribault	Fairbault	MN
Citizens State Bank of Gaylord	Gaylord	MN
State Bank of Kimball	Kimball	MN
First National Bank of Le Center	Le Center	MN
First State Bank of Le Roy	Le Roy	MN
Prairie State Bank	Milan	MN
TCF Bank Minnesota, FSB	Minneapolis	MN
First National Bank of Montgomery	Montgomery	MN
First National Bank of Monticello	Monticello	MN
Peoples National Bank of Mora	Mora	MN
United Farmers & Merchants S.B	Morris	MN
Merchants S.B. of North Branch	North Branch	MN
First National Bank of Osakis	Osakis	MN
Valley State Bank of Oslo	Oslo	MN
First National Bank of Plainview	Plainview	MN
Princeton Bank	Princeton	MN
Prior Lake State Bank	Prior Lake	MN
Goodhue County N.B. of Red Wing	Red Wing	MN
Minnesota Valley Bank	Redwood Falls	MN
Norwest Bank MN, South, N.A	Rochester	MN
First State Bank of Rushmore	Rushmore	MN
Murray County State Bank	Slayton	MN
Green Lake State Bank	Spicer	MN
Citizens Independent Bank	St. Louis Park	MN
First National Bank of St. Peter	St. Peter	MN
State Bank of Tower	Tower	MN
Tracy State Bank	Tracy	MN
Queen City Federal Savings Bank	Virginia	MN
Ozark Mountain Bank	Branson	MO
BC National Banks	Butler	MO
Missouri Federal Savings Bank	Cameron	MO
Carroll County Trust Company of Carrollton	Carrollton	MO
Southwest Missouri Bank	Carthage	MO
Roosevelt Bank, A FSB	Chesterfield	MO
Chillicothe State Bank	Chillicothe	MO
Union Planters Bank of Missouri	Clayton	MO
Union Planters Bank of Mid-MO	Columbia	MO
State Bank of Missouri	Concordia	MO
Continental Security Bank	Deepwater	MO
First State Bank of Farmington	Farmington	MO
North American Savings Bank, FSB	Grandview	MO

Member	City	State
MCM Savings Bank, F.S.B.	Hannibal	MO
First Federal Bank, FSB	Kansas City	MO
Sentinel FS&LA of Kansas City	Kansas City	MO
Central Bank	Lebanon	MO
Mercantile Bank of Lebanon	Lebanon	MO
Clay County S&LA	Liberty	MO
Liberty Savings Bank, F.S.B.	Liberty	MO
Pioneer Bank and Trust Company	Maplewood	MO
Marceline Home S&LA	Marceline	MO
Wood & Huston Bank	Marshall	MO
Citizens State Bank	Marshfield	MO
First N.B. of Audrain County	Mexico	MO
First Home Savings Bank	Mountain Grove	MO
Home S&LA of Norborne	Norborne	MO
Southern Missouri Savings Bank	Poplar Bluff	MO
The State Bank	Richmond	MO
Central FS&LA of Rolla	Rolla	MO
First N.B. of the Midsouth	Sikeston	MO
Citizens N.B. of Springfield	Springfield	MO
Guaranty Federal Savings Bank	Springfield	MO
Midwest FS&LA of St. Joseph	St. Joseph	MO
Provident Bank, FSB	St. Joseph	MO
BNC National Bank	Bismarck	ND
First Southwest Bank	Bismarck	ND
Ramsey National Bank & Trust of Devils Lake	Devils Lake	ND
American State Bank and Trust of Dickinson	Dickinson	ND
First National Bank North Dakota	Grand Forks	ND
National Bank of Harvey	Harvey	ND
First S & LA of South Dakota, Inc.	Aberdeen	SD
First Federal Bank, a FSB	Beresford	SD
First Savings Bank, FSB	Beresford	SD
First National Bank in Garretson	Garretson	SD
First Western Federal Savings Bank	Rapid City	SD

Federal Home Loan Bank of Dallas—District 9
P.O. Box 619026
Dallas/Forth Worth, Texas 75261–9026

First N.B. of Sharp County	Ash Flat	AR
First FS&LA of Camden	Camden	AR
First National Bank	Clinton	AR
Corning S&LA	Corning	AR
Hazen First State Bank	Hazen	AR
Heritage Bank, a FSB	Little Rock	AR
Bank of Malvern	Malvern	AR
Horizon Bank	Malvern	AR
First National Bank	Paragould	AR
Peoples Bank of Paragould	Paragould	AR
Pocahontas FS&LA	Pocahontas	AR
Citizens S&LA	Baton Rouge	LA
First N.B. of St. Charles Parish	Boutte	LA
Beauregard Federal Savings Bank	DeRidder	LA
First National Bank of Houma	Houma	LA
Home Savings Bank, FSB	Lafayette	LA
Calcasieu Marine National Bank	Lake Charles	LA
First FS&LA	Lake Charles	LA
Greater New Orleans Homestead, FSB	Metairie	LA
Minden Building & Loan Association	Minden	LA
Capital Bank	Monroe	LA
Algiers Homestead Association	New Orleans	LA
Dryades Savings Bank, FSB	New Orleans	LA
Fifth District S&LA	New Orleans	LA
Union Savings and Loan Association	New Orleans	LA
Plaquemine Bank and Trust Company	Plaquemine	LA
Rayne Building & Loan Association	Rayne	LA
Citizens Bank and Trust Company	Springhill	LA
Meritrust Federal Savings Bank	Thibodaux	LA
Magnolia Federal Bank For Savings	Hattiesburg	MS
Inter-City Federal Savings Bank	Louisville	MS
First National Bank of Lucedale	Lucedale	MS
Union Planters Bank of N.E. MS	New Albany	MS
First National Bank of Pontotoc	Pontotoc	MS
Lamar Bank	Purvis	MS
North Central Bank For Savings	Winona	MS

Member	City	State
Alamogordo FS&LA	Alamogordo	NM
First National Bank of Artesia	Artesia	NM
First National Bank in Clayton	Clayton	NM
Matrix Capital Bank	Las Cruces	NM
First FSB of New Mexico	Roswell	NM
Charter Bank For Savings, FSB	Santa Fe	NM
Tucumcari FS&LA	Tucumcari	NM
First Savings Bank, FSB	Arlington	TX
Franklin Federal Bancorp, a FSB	Austin	TX
Hartland Bank, N.A.	Austin	TX
Hill Country Bank	Austin	TX
Horizon Bank and Trust, SSB	Austin	TX
Citizens National Bank	BenBrook	TX
Mercantile Bank, N.A.	Brownsville	TX
Homestead Bank, SSB	College Station	TX
First State Bank	Columbus	TX
First Bank of Conroe, N.A.	Conroe	TX
First Commerce Bank	Corpus Christi	TX
Cuero FS&LA	Cuero	TX
Dalhart FS&LA	Dalhart	TX
Mercantile Bank & Trust, FSB	Dallas	TX
Texas Bank and Trust, N.A	Dallas	TX
Union State Bank	Florence	TX
Colonial S&LA	Fort Worth	TX
Guaranty National Bank	Gainesville	TX
National Bank	Gatesville	TX
Gilmer Savings Bank, FSB	Gilmer	TX
Gladewater National Bank	Gladewater	TX
Charter National Bank—Houston	Houston	TX
Houston Community Bank, N.A.	Houston	TX
Langham Creek National Bank	Houston	TX
Justin State Bank	Justin	TX
Farmers and Merchants State Bank	Krum	TX
Fayette Savings Association	La Grange	TX
Falcon National Bank	Laredo	TX
Lubbock National Bank	Lubbock	TX
Western National Bank	Lubbock	TX
FirstBanc Saving Association of TX	Missouri City	TX
First N.B. of Mount Vernon	Mount Vernon	TX
First National Bank in Munday	Munday	TX
First FS&LA of Paris	Paris	TX
Peoples National Bank	Paris	TX
PointBank, N.A.	Pilot Point	TX
Citizens First Bank	Rusk	TX
Intercontinental National Bank	San Antonio	TX
Northwest Bank Texas, San Antonio, N.A.	San Antonio	TX
Balcones Bank, SSB	San Marcos	TX
Citizens State Bank	Sealy	TX
Southern National Bank of Texas	Sugarland	TX
American National Bank of Texas	Terrell	TX
Terrell Federal Savings and Loan	Terrell	TX
Texarkana National Bank	Texarkana	TX
TexStar National Bank	Universal City	TX
American National Bank	Witchita	TX

Federal Home Loan Bank of Topeka—District 10
Post Office Box 176
Topeka, Kansas 66601

First National Bank in Alamosa	Alamosa	CO
San Luis Valley FS&LA of Alamosa	Alamosa	CO
Pikes Peak National Bank	Colorado Springs	CO
Delta Federal Savings, F.S.B.	Delta	CO
First Federal Bank of Colorado	Denver	CO
Rocky Mountain Bank and Trust	Florence	CO
First National Bank	Fort Collins	CO
Gunnison S&LA	Gunnison	CO
Rio Grande S&LA	Monte Vista	CO
First National Bank of Ordway	Ordway	CO
Paonia State Bank	Paonia	CO
The Minnequa Bank of Pueblo	Pueblo	CO
Rocky Ford FS&LA of Colorado	Rocky Ford	CO
Century Savings & Loan Association	Trinidad	CO
Park State Bank	Woodland Park	CO

Member	City	State
Prairie State Bank	Augusta	KS
First National Bank in Cimarron	Cimarron	KS
Mid-Continent Federal Savings Bank	El Dorado	KS
Golden Belt Bank, FSA	Ellis	KS
Farmers Bank and Trust, N.A	Great Bend	KS
Southwestern S&LA	Hugoton	KS
Argentine FS&LA	Kansas City	KS
Citizens Bank of Kansas, N.A	Kingman	KS
University N.B. of Lawrence	Lawrence	KS
Mutual S.A., an F.S.A	Leavenworth	KS
Peoples Bank	Pratt	KS
Security Savings Bank, a F.S.B	Salina	KS
The Stockton National Bank	Stockton	KS
First National Bank of Syracuse	Syracuse	KS
Capitol FS&LA	Topeka	KS
Silver Lake Bank	Topeka	KS
Kendall State Bank	Valley Falls	KS
Bank IV, National Association	Wichita	KS
Garden Plain State Bank	Wichita	KS
Bank of Bellevue	Bellevue	NE
First Federal Lincoln Bank	Lincoln	NE
National Bank of Commerce Trust & Savings Association	Lincoln	NE
First National Bank of McCook	McCook	NE
American N.B. of Nebraska City	Nebraska City	NE
Nehawka Bank	Nehawka	NE
Citizens Bank of Edmond	Edmond	OK
Guthrie Federal Savings Bank	Guthrie	OK
First State Bank	Keyes	OK
City National Bank & Trust Company	Lawton	OK
First Commercial Bank, SSB	Lawton	OK
First National Bank in OKeene	OKeene	OK
Local Federal Bank, F.S.B	Oklahoma City	OK
National Bank of Commerce	Oklahoma City	OK
Local America Bank of Tulsa, a FSB	Tulsa	OK
Triad Bank, N.A	Tulsa	OK
Valley National Bank	Tulsa	OK
First American Bank, N.A	Woodward	OK

Federal Home Loan Bank of San Francisco—District 11
600 California Street
San Francisco, California 94108

First Arizona S&LA	Scottsdale	AZ
Trust Savings Bank, F.S.B	Arcadia	CA
Borrego Springs Bank	Borrego Springs	CA
Secure Savings Bank, FSB	Fontana	CA
Fullerton S&LA	Fullerton	CA
Hemet FS&LA	Hemet	CA
American Savings Bank, FA	Irvine	CA
Western Financial S.B., F.S.B	Irvine	CA
Home Savings of America, FSB	Irwindale	CA
Broadway FS&LA of Los Angeles	Los Angeles	CA
California Federal Bank, a FSB	Los Angeles	CA
Coast Federal Bank, FSB	Los Angeles	CA
Family Savings Bank	Los Angeles	CA
Monterey County Bank	Monterey	CA
Standard Savings Bank, FSB	Monterey Park	CA
Metropolitan Bank	Oakland	CA
Bank of Petaluma	Petaluma	CA
El Dorado Savings Bank	Placerville	CA
Commerce Security Bank	Sacramento	CA
Life Savings Bank, F.S.B	San Bernardino	CA
Citibank, FSB	San Francisco	CA
First Nationwide Bank	San Francisco	CA
Sincere Federal Savings Bank	San Francisco	CA
East-West Federal Bank, F.S.B	San Marino	CA
Bay View Federal Bank	San Mateo	CA
First FS&LA of San Rafael	San Rafael	CA
First Federal Bank of California	Santa Monica	CA
Stockton Savings Bank	Stockton	CA
First FS&L of San Gabriel Valley	West Covina	CA
Interwest Bank	Fallon	NV

Member	City	State
Federal Home Loan Bank of Seattle—District 12 1501 Fourth Avenue Seattle, Washington 98101–1693		
Mt. McKinley Mutual Savings	Fairbanks	AK
American Savings Bank, F.S.B	Honolulu	HI
First FS&LA of America	Honolulu	HI
Mountain West Savings Bank, FSB	Coeur D'Alene	ID
Big Sky Western Bank	Big Sky	MT
Security Bank, FSB	Billings	MT
First National Bank of Eureka	Eureka	MT
Heritage Bank, F.S.B	Great Falls	MT
American Federal Savings Bank	Helena	MT
Glacier Bank, FSB	Kalispell	MT
First Security Bank & Trust	Miles City	MT
Western Federal Savings Bank of MT	Missoula	MT
Bank of Astoria	Astoria	OR
Security Bank	Coos Bay	OR
Bank of Salem	Salem	OR
Columbia River Banking Company	The Dalles	OR
First Security Bank of Utah, N.A	Salt Lake City	UT
Cascade Savings Bank, FSB	Everett	WA
InterWest Savings Bank	Oak Harbor	WA
Centennial Bank	Olympia	WA
North Sound Bank	Poulsbo	WA
Raymond FS&LA	Raymond	WA
EvergreenBank	Seattle	WA
Washington Federal Savings	Seattle	WA
Sterling Savings Association	Spokane	WA
Buffalo FS&LA	Buffalo	WY
Hilltop National Bank	Casper	WY
Big Horn Federal Savings Bank	Greybull	WY

C. Due Dates

Members selected for review must submit completed Community Support Statements to their FHLBanks no later than August 30, 1996.

All public comments concerning the Community Support performance of selected members must be submitted to the members' FHLBanks no later than August 30, 1996.

D. Notice to Members Selected

Within 15 days of this Notice's publication in the Federal Register, the individual FHLBanks will notify each member selected to be reviewed that the member has been selected and when the member must return the completed Community Support Statement. At that time, the FHLBank will provide the member with a Community Support Statement form and written instructions and will offer assistance to the member in completing the Statement. The FHLBank will only review Statements for completeness, as the Housing Finance Board will conduct the actual review.

E. Notice to Public

At the same time that the FHLBank members selected for review are notified of their selection, each FHLBank will also notify community groups and other interested members of the public. The purpose of this notification will be to solicit public comment on the Community Support records of the FHLBank members pending review.

Any person wishing to submit written comments on the Community Support performance of a FHLBank member under review in this quarter should send those comments to the member's FHLBank by the due date indicated in order to be considered in the review process.

By the Federal Housing Finance Board.

Dated: July 9, 1996.

Rita I. Fair,

Managing Director.

[FR Doc. 96–17926 Filed 7–16–96; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

U.S. International Forwarding Agency, Inc., 62 NW 27th Avenue, Miami, FL 33125, Officer: Jamil Mouawad, President

S.A.C. International Forwarding, Inc., 8442 NW 70th Street, Miami, FL 33166, Officer: Marianela Villar Izquierdo, President

Dated: July 11, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96–18092 Filed 7–16–96; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96M–0237]

Behring Diagnostics, Inc.; Premarket Approval of MicroTrak II IgM Anti-HAV EIA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Behring

Diagnostics Inc., San Jose, CA, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the MicroTrak II IgM Anti-HAV EIA. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of May 13, 1996, of the approval of the application.

DATES: Petitions for administrative review by August 16, 1996.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sharon L. Hansen, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2096.

SUPPLEMENTARY INFORMATION: On April 9, 1992, Behring Diagnostics, Inc., San Jose, CA 95161–9013, submitted to CDRH an application for premarket approval of MicroTrak II IgM Anti-HAV EIA. The MicroTrak II IgM Anti-HAV EIA is an enzyme immunoassay (EIA) intended for in vitro diagnostic use in the qualitative detection of immunoglobulin M (IgM) antibodies to hepatitis A virus (IgM anti-HAV) in human serum or plasma. This device is for use as an aid in the diagnosis of acute or recent hepatitis A infection (usually 6 months or less).

In accordance with the provisions of section 515(c)(2) of the act (21 U.S.C. 360e(c)(2)) as amended by the Safe Medical Devices Act of 1990, this premarket approval application (PMA) was not referred to the Microbiology Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, for review and recommendation because the information in the PMA substantially duplicates information previously reviewed by this panel. On May 13, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 16, 1996, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 5, 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 96–18068 Filed 7–16–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96M–0238]

Schneider (USA) Inc.; Premarket Approval of WALLSTENT® Transjugular Intrahepatic Portosystemic Shunt (TIPS) Endoprosthesis

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Schneider (USA) Inc., Plymouth, MN, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the WALLSTENT® TIPS Endoprosthesis. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 29, 1995, of the approval of the application.

DATES: Petitions for administrative review by August 16, 1996.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Dorothy B. Abel, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8262.

SUPPLEMENTARY INFORMATION: On October 4, 1994, Schneider (USA) Inc., Plymouth, MN 55442, submitted to CDRH an application for premarket approval of the WALLSTENT® TIPS Endoprosthesis. The device is an endovascular stent and is indicated for creation of intrahepatic shunt connections between the portal venous system and the hepatic vein for prophylaxis of variceal bleeding in the treatment of portal hypertension and its complications in patients who have previously failed conventional treatment techniques.

In accordance with the provisions of section 515(c)(2)(A) of the act (21 U.S.C. 360e(c)(2)(A)) as amended by the Safe Medical Devices Act of 1990, this premarket approval application (PMA) was not referred to the Circulatory System Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee. FDA concluded that the review by two outside review bodies was sufficient to identify the issues associated with the device and that sufficient guidance in the

evaluation of the safety and effectiveness had been provided by these review bodies. In addition, the safety and effectiveness of stents used for other indications has been the subject of four FDA advisory committee meetings.

On September 29, 1995, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b)(21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 16, 1996, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 21, 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 96–18071 Filed 7–16–96; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summaries of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Provider/Supplier Enrollment Application; *Form No.:* HCFA–855; *Use:* This information is needed to enroll providers/suppliers by identifying them, verifying their qualifications and eligibility to participate in Medicare, and to price and pay their claims; *Frequency:* Other (Initial Application/recertification); *Affected Public:* Business or other for profit, not for profit institutions, and federal government; *Number of Respondents:* 165,000; *Total Annual Responses:* 165,000; *Total Annual Hours:* 370,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at http://www.hcfa.gov , or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: July 9, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–18094 Filed 7–16–96; 8:45 am]

BILLING CODE 4120–03–P

Submitted for Collection of Public Comment: Submission for OMB Review

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Request:* Revision of a currently approved collection; *Title of Information Collection:* Statistical Report on Medical Care: Eligibles, Recipients, Payments and Services; *Form No.:* HCFA–2082; *Use:* The data reported in the HCFA–2082 are the basis of actuarial forecasts for Medicaid service utilization and costs; of analyses and cost savings estimates required for legislative initiatives relating to Medicaid and for responding to requests for information from HCFA components, the Department, Congress and other customers; *Frequency:* Annually; *Affected Public:* State, local,

or tribal government; *Number of Respondents:* 54; *Total Annual Responses:* 54; *Total Annual Hours:* 17,214.

To request copies of the proposed paperwork collection referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: July 9, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–18093 Filed 7–16–96; 8:45 am]

BILLING CODE 4120–03–P

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health; HHS.

ACTION: Notice.

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications and issued patents listed below may be obtained by contacting John Fahner-Vihtelic at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7735 ext 285; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Broadband Transmit-Receive Switch

TJ Pohida (NCRR)
Filed 06 Nov 95
Serial No. 08/554,003

Transmit-receive (TR) switches are commonly used in complex electronic systems such as magnetic resonance imaging systems, radar systems, and a variety of communication systems. These switches are typically designed using quarter wavelength transmission lines in conjunction with solid state componentry. Although this type of TR switch performs well, the desirable properties of a quarter wavelength transmission lines are only exhibited over about a 10% variation in frequency. This type of TR switch is considered a narrowband switch. A significant need exists for a TR switch that uses the advantages of quarter wavelength impedance transformers and provides a broad bandwidth. The design of the present invention satisfies those needs by providing a TR switch which features a broadband frequency response. This invention can be implemented on any one of several transmission line media. Also, it can be manufactured according to any known manufacturing methods for similar devices. This technology has been implemented on a prototype imaging system. (portfolio: Devices/Instrumentation—Diagnostics, imaging apparatus)

System and Method for Performing In Vivo Imaging and Oxymetry by Pulsed Radiofrequency Electron Paramagnetic Resonance

R Murugesan, MK Cherukuri, JB Mitchell, S Subramanian, R Tschudin (NCI)
Filed 20 Jul 95
Serial No. 08/504,616

This invention provides a non-invasive system for *in vivo* imaging by fast-response pulsed radiofrequency (RF) electron paramagnetic resonance (EPR) spectroscopy. The imaging system can be used for measurement and 3-dimensional imaging of oxygen and free radicals in living systems, in conjunction with appropriate free radical probes. The system can be used to perform rapid 3-dimensional mapping of tissues and vasculature, for example cardiac and cerebral angiography, and also to distinguish normal and diseased tissues. The short relaxation time of the probes and the fast response associated with pulsed EPR techniques permit virtual real-time imaging. The system uses a magnetic field of only 10 mT-orders or magnitude smaller than the field used in conventional MRI techniques. The sensitivity, image resolution, and imaging speed of the pulsed RF EPR system are far superior to continuous wave RF EPR systems. (portfolio: Devices/Instrumentation—Diagnostics, imaging apparatus, electron paramagnetic resonance; Devices/Instrumentation—Diagnostics, imaging apparatus, spectroscopy)

System and Method for Simulating a Two-Dimensional Radiation Intensity Distribution of Photon or Electron Beams

J van de Geijn, H Xie (NCI)
Serial No. 08/368,589 filed 06 Jan 95
U.S. Patent No. 5,526,395 issued 11 Jun 96

The present invention provides a method for computer-assisted, interactive 3-dimensional radiation treatment planning and optimization. The computerized system is capable of processing and analyzing data obtained from x-ray, CT, MRI, PET, SPECT, and gammacamera devices. Hence, the system can be used as a training device, alleviating the need for training centers to purchase each of these devices. The computerized system comprises a fast, versatile, and user-friendly software package and computer components which are commercially available and which can be used without significant modification. Because the hardware costs of this system are much lower than the cost of systems of comparable ability, this invention ought to be particularly attractive to smaller radiation oncology facilities which seek a powerful treatment planning system. The low cost of the system is also particularly advantageous for medical training facilities, including medical schools. The invention also has potential use as a monitor for clinical quality assurance. (portfolio: Devices/Instrumentation—Therapeutics, methods of using devices)

Variable Axial Aperture Positron Emission Tomography Scanner

MV Green, J Seidel, WR Gandler (CC)
Filed 15 Dec 94
Serial No. 08/357,574

Development of a unique system that can operate as both a scintillation camera and a positron emission tomography (PET) scanner offers to significantly improve the visualization of physiological processes in the human body and other biological systems. Single photon emission computed tomography (SPECT) imaging—which utilizes one or more scintillation cameras rotated around a subject—is used in nuclear medicine worldwide. More recently, an alternative to SPECT imaging has involved the development and use of positron emission tomography (PET) imaging, in which the subject is surrounded by rings of detectors that detect the emission of a pair of annihilation photons from positron emitting racers in the body.

SPECT and PET imaging, however, require different instrumentation: scintillation cameras used for SPECT imaging are generally regarded as too insensitive for effective PET imaging, while PET scanners cannot effectively image single photon emitting tracers used for SPECT. This newly developed system attempts to bridge this gap by using two uncollimated, tiltable scintillation cameras in time coincidence, rotated about the target to acquire PET image data. Tilting the cameras in the prescribed manner allows a tradeoff between axial field-of-view and photon path length through the scintillator that maximizes 2D coincidence sensitivity compared to cameras in full opposition. The resulting system exhibits the high spatial resolution expected of a scintillation camera at 511 keV but with substantially higher coincidence sensitivity. (portfolio: Devices/Instrumentation—Diagnostics, imaging apparatus, positron emission tomography)

Enzymatic Degrading Subtraction Hybridization

J Zeng (NCI)
Serial No. 08/322,075 filed 12 Oct 94
U.S. Patent No. 5,525,471 issued 11 Jun 96

The present invention provides an alternative method for selection and identification of differentially expressed genes involved in embryonic development and in the onset or maintenance of various pathological conditions due to genetic alterations in somatic cells. This method involves the prior modification of tester cDNA which contains the sequences of interest by incorporation of nuclease resistant nucleotide analogs. Driver cDNA not containing the sequences of interest is then used to remove sequences common to driver and tester cDNA populations through hybridization and subsequent exonuclease digestion, substantially enriching for the desired sequences. This method can also be used in conjunction with the phenol-emulsion reassociation technique (PERT), which significantly accelerates the hybridization rate allowing, the cDNA molecules to be efficiently subtracted using a very small amount of DNA. This method is less expensive, more efficient, and less time-consuming than previous subtraction hybridization methods. (portfolio: Cancer—Research Reagents; Cancer—Diagnostics)

Chromatographic Method and Device for Preparing Blood Serum for Compatibility Testing

R Butz (CC)
Filed 18 Oct 95
DHHS Reference No. E–141–94/0

The present invention provides a new method for antiglobulin testing of serum from a potential blood transfusion recipient. This process and device removes warm antibodies from serum to allow for the identification of alloantibodies present in the sample. The multiple absorptions required by current methods to remove the warm antibodies from serum of a potential blood transfusion recipient is superseded by this invention. The disclosed invention will remove the majority of warm antibodies in a single one-hour absorption. This invention also eliminates the need for pretreatment of cells with expensive reagents. Use of this column and method does not remove any clinically significant alloantibodies. Therefore, transfusion history accuracy and subsequent risk to the patient is greatly reduced. (portfolio: Internal Medicine—Diagnostics, cardiology; Internal Medicine—Miscellaneous)

Dated: July 8, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–18101 Filed 7–16–96; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Exclusive License: Method of Treating Demyelinating Diseases With Insulin-Like Growth Factor I

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license in the United States to practice the invention embodied in U.S. Patent Application Serial Number 60/003,055, filed on August 31, 1995, entitled ''Method of Treating Demyelinating Diseases With Insulin-Like Growth Factor I'', to Cephalon, Inc., having a place of business in West Chester, Pennsylvania. The patent rights in this invention have been assigned to the United States of America.

The patent application claims a method to treat diseases or disorders associated with myelin injury, such as multiple sclerosis, by administering an effective amount of insulin-like growth factor I.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 90 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use would be the use of insulin-like growth factor I to treat nervous system disorders associated with perivascular lesions, such as those occurring in multiple sclerosis.

ADDRESSES: Requests for a copy of the patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Leopold J. Luberecki, Jr., J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Box 13, Rockville, MD 20852–3804. Telephone: (301) 496–7735, ext. 223; Facsimile: (301) 402–0200. Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before October 15, 1996 will be considered.

Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: July 8, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–18102 Filed 7–16–96; 8:45 am]

BILLING CODE 4140–01–M

Substance Abuse and Mental Health Services Administration

Minority Fellowship Program

AGENCY: Center for Mental Health Services, Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Notice of planned awards for renewal clinical training grants under the Minority Fellowship Program (MFP) to the American Nurses Association (ANA) and the Council on Social Work Education (CSWE).

SUMMARY: The Substance Abuse and Mental Health Services Administration's Center for Mental Health Services (CMHS) plans to award renewal MFP grants to the ANA and the

CSWE for the clinical training of nursing and social work trainees who are committed to careers for service to ethnic minorities with mental and/or addictive disorders. The project period for the renewal grants is anticipated to be 3 years. The first year will be funded with approximately $300,000 for each grantee.

This is not a general request for applications. The renewal clinical training grants will only be made to the ANA and the CSWE based on the receipt of satisfactory applications that are recommended for approval by an Initial Review Group and the CMHS National Advisory Council.

AUTHORITY: The awards will be made under the authority of section 303 of the Public Health Service (PHS) Act. The authority to administer this program has been delegated to the Director, CMHS. The Catalog of Federal Domestic Assistance number for this program is 93.244.

BACKGROUND: CMHS has the responsibility for mental health workforce development, including the clinical training of mental health professionals concerned with the treatment of underserved priority populations; i.e., adults with serious mental illness; children with serious emotional disturbance; and elderly, and/or ethnic minority, and/or rural populations with mental and addictive disorders.

The CMHS MFP is specifically designed to significantly increase the number of professionals trained at the doctoral level to teach, administer, and provide direct mental health and substance abuse services to members of ethnic minority groups.

Renewal applications may be submitted only by the ANA and the CSWE. Each of these two professional organizations has unique access to those students entering its professions. Both the fields of social work and psychiatric nursing have been nationally recognized for decades as part of the four core mental health disciplines (along with psychiatry and psychology). Social workers and nurses provide parts of an essential core of services for individuals with serious mental illness and also less severe mental disorders.

The ANA is the largest national professional nurses organization in the country. The ANA and its affiliates have activities in all major areas of national policies affecting nursing as a profession, including education and training.

The CSWE is a specialized organization for the field of social work, focussing exclusively on the education and training of social workers.

Both ANA and CSWE along with their affiliates have direct involvement in curriculum development, school accreditation, and pre/postdoctoral training. The ANA and CSWE have had decades of experience in working directly with the university training programs in their respective fields.

Because of the above unique characteristics and long experience, the National Institute of Mental Health, the original funding agency for this program, chose ANA and CSWE as the exclusive representatives for their fields. For over 20 years, the ANA and CSWE have administered the MFP exceptionally well, have recruited excellent students, assured that all program requirements were satisfied, and effectively monitored the progress of fellows during and after the fellowship period. These two MFP grantees continue in their unique position to represent these two core mental health disciplines and eligibility has been restricted to them accordingly.

Therefore, because the ANA and CSWE grant support will end in FY 1996, CMHS is providing additional support for up to 3 years via renewal grant awards. The American Psychiatric Association and the American Psychological Association have ongoing CMHS MFP grant support.

FOR FURTHER INFORMATION: Questions concerning the CMHS MFP may be directed to Paul Wohlford, Ph.D., Acting Chief, Human Resources Planning and Development Branch, CMHS, Room 15C–18, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301)443–4257.

Dated: July 11, 1996.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 96–18067 Filed 7–16–96; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–350–4210–01]

Reinstatement of Currently Approved Information Collection; OMB Approval Number 1004–0023

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is announcing its intention to request reinstatement of approval for the collection of information from those persons who are applying for conveyance of public land under the General Allotment Act. Section 4 of the General Allotment Act of February 8, 1887, as amended, provides for the issuance of a deed to eligible Indians who are entitled to an allotment of public lands. The information collected on the Indian Allotment Application (Form 2530–1) is used by the BLM to determine eligibility and identify legal information to assist in the conveyance of title.

DATES: Comments on the proposed information collection must be received by September 16, 1996 to be considered.

ADDRESSES: Commenters may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L St., NW., Washington, DC; or mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240. Commenters may transmit comments electronically via the Internet to WOComment@WO0033wp.wo.blm.gov. Please include ''Attn: 1004–0023'' in your message. Comments will be available for public review at the L Street address during regular business hours (7:45 A.M. to 4:15 P.M., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Carl C. Gammon, (202) 452–7777.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.8(d), BLM is required to provide 60-day notice in the Federal Register concerning a proposed collection of information to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Any individual seeking to acquire an allotment must make application and provide information essential to compliance with law, regulations, and procedures. Information is collected on

Form 2530–1. The following is an explanation of specific items of information requested pursuant to 43 CFR 2531: Items 1 through 5 identify the applicant, mailing address, and if necessary, the minor child for whom the application is filed. Item 6 describes the land for which the application is filed. Item 7 requires the listing of prior allotments. Item 8 indicates whether the applicant or the minor child placed any improvements on the described land. Item 10 tells whether the applicant or minor child claim a bona fide settlement. Item 11 describes the manner in which settlement was made on the described land. Item 12 asks if the required petition for classification has been attached to the application. Specifically, completion of Items 6 through 12 is necessary in order to determine the eligibility of the applicant/minor and the validity of the claim. Any eligible individual desiring an allotment of public lands must file a fully completed application. Items 6 through 12 are justified pursuant to the requirements of 43 CFR 2530 and 2531. Section 4 of the Act of February 8, 1887 provides that a patent cannot be issued unless a completed application form has been received by BLM. If the information required by 43 CFR 2531 was not collected, the BLM would be unable to carry out the mandate of Section 4 of the Act of February 8, 1887.

Based on its experience administering the regulations at 43 CFR Part 2530, BLM estimates that the public reporting burden for the information collection is .5 hours per application. The respondents are individuals who seek to acquire public lands pursuant to the General Allotment Act of February 8, 1887, as amended. The frequency of response is one per application. BLM estimates that approximately 50 Indian Allotment Applications will be filed annually for a total burden of 25 hours. Copies of Form 2530–1 may be obtained by contacting the individual named under **FOR FURTHER INFORMATION CONTACT.**

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become part of the public record.

Dated: July 11, 1996.

Annetta L. Cheek,

Chief, Regulatory Management Team.

[FR Doc. 96–18066 Filed 7–16–96; 8:45 am]

BILLING CODE 4310–84–P

[NV–930–1430–01) N–51910]

Notice of Realty Action Amended: Sale of Public Land in Eureka County, Nevada, by Modified Competitive Sale Procedures

AGENCY: Bureau of Land Management, Interior.

ACTION: Time Extension for Sale of Public Lands, Eureka County, Nevada Notice of the proposed sale of the following described public land in Eureka County, Nevada, by modified competitive sale procedures was published in the Federal Register on Tuesday, March 12, 1996 (61FR10006–10007).

Mount Diablo Meridian, Nevada

T. 20 N., R. 53 E.,
Sec. 30, lot 11;
Comprising 42.27 acres, more or less.

By this Notice, the following changes are made in the proposed realty action:

1. The date of the sale is postponed to August 7, 1996. Sealed bids for no less than appraised fair market value will be accepted until August 6, 1996, at 4:30 p.m.

2. A 60-foot wide easement in favor of Eureka County will be reserved along the west and south boundaries of the parcel.

3. In the event that no bids are received for the August 7, 1996, sale date, the parcel will remain for sale, using over-the-counter sale procedures described in the Notice published on March 12, 1996, until the segregation terminates on December 6, 1996.

Dated: July 3, 1996.

Michael C. Mitchel,

Acting District Manager.

[FR Doc. 96–18091 Filed 7–16–96; 8:45 am]

BILLING CODE 4310–HC–P

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before JULY 6, 1996. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by August 1, 1996.

Carol D. Shull,

Keeper of the National Register.

CONNECTICUT

Hartford County

Butler, Roger, House, 146 Jordan Ln., Wethersfield, 96000847

Litchfield County

Lakeville Historic District, Bounded by Millerton Rd., Sharon Rd., Allen St., and Holley St., Salisbury, 96000845

New Haven County

Hamilton Park, Roughly bounded by Silver St., E. Main St., Idylwood Ave., Plank Rd., the Mad River and I–84, Waterbury, 96000846

FLORIDA

Hillsborough County

Lutz Elementary School, Old, 18819 US 41, N., Lutz, 96000852

Orange County

Winter Garden Downtown Historic District, Roughly bounded by Woodland, Tremaine, Henderson, and Lake View Sts., Winter Garden, 96000850

Winter Garden Historic Residential District, Roughly bounded by Plant, Boyd, Tilden, and Central Sts., Winter Garden, 96000849

Volusia County

Daytona Beach Surfside Historic District (Daytona Beach MPS) Roughly bounded by Auditorium Blvd., the Atlantic Ocean, US 92, and the Halifax River, Daytona Beach, 96000851

ILLINOIS

Champaign County

Lincoln Building, 44 E. Main St., Champaign, 96000854

Johnson County

Ater—Jaques House, 207 W. Elm St., Urbana, 96000855

Kane County

LaSalle Street Auto Row Historic District, 56–84 LaSalle St. and 57–83 S. LaSalle St., Aurora, 96000856

Logan County

Mattfeldt, Theodore H. O., House, 202 S. Marion St., Mt. Pulaski, 96000853

McLean County

US Army Aircraft C–53–DO–41–20124, 1.25 mi. E of jct. of IL 9 and IL 5, Bloomington, 96000857

Macon County

Trobaugh—Good House, 1495 Brozio Ln., Decatur, 96000858

MASSACHUSETTS

Bristol County

Attleborough Falls Gasholder Building, 380 Elm St., North Attleborough, 96000848

NEW YORK

Greene County

Ulster and Delaware Railroad Station, NY 23A, Hamlet of Haines Falls, Hunter, 96000861

Orange County

African—American Cemetery, The, Co. Rt. 416, approximately .5 mi. S of jct. with NY 84, Montgomery, 96000862
Shafer, Jacob, House, 388 Kaisertown Rd., Montgomery, 96000864
Smith House, The, 2727 Albany Post Rd., Montgomery, 96000863

Otsego County

Fly Creek Methodist Church, Co. Rt. 26, N of jct. with NY 28, Fly Creek, 96000859

Ulster County

Cragsmoor Historic District, Roughly bounded by Henry, Cragsmoor, and Sam's Pt. Rds., Hamlet of Cragsmoor, Wawarsing, 96000860

OHIO

Cuyahoga County

Euclid, The—Seventy-First Street Building, 7002—70030 Euclid Ave., Cleveland, 96000866

Lake County

Young, Benjamin and Mary, House, 7597 S. Center St., Mentor, 96000867

Lucas County

Ira Apartments, 1302 Parkside Blvd., Toledo, 96000868

OREGON

Benton County

Hull, Ralph, Lumber Company Mill Complex, 23837 Dawson Rd., Monroe vicinity, 96000869

TEXAS

Bexar County

Yturri—Edmunds House, 257 Yellowstone St., San Antonio, 96000870

UTAH

Salt Lake County

Cohn, Henry A. and Tile S., House, 1369 E. Westminister Ave., Salt Lake City, 96000871
Riverton Elementary School, 12830 S. Redwood Rd., Riverton, 96000872

WASHINGTON

Yakima County

Liberty Theater (Movie Theaters in Washington State MPS), 211 S. Toppenish Ave., Toppenish, 96000873

[FR Doc. 96–18143 Filed 7–16–96; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–736 & 737 (Final)]

Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Germany and Japan; Notice of Commission Determination to Conduct a Portion of the Hearing in Camera

AGENCY: U.S. International Trade Commission.

ACTION: Closure of a portion of a Commission hearing to the public.

SUMMARY: Upon request of respondents in the above-captioned final investigations, the Commission has unanimously determined to conduct a portion of its hearing scheduled for July 17, 1996, *in camera. See* Commission rules 207.23(d), 201.13(m) and 201.35(b)(3) (19 C.F.R. §§ 207.23(d), 201.13(m) and 201.35(b)(3)). The remainder of the hearing will be open to the public. The Commission unanimously has determined that the seven-day advance notice of the change to a meeting was not possible. *See* Commission rule 201.35(a), (c)(1) (19 C.F.R. § 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT: Neal J. Reynolds, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3093. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission believes that the respondents have justified the need for a closed session. A full discussion regarding the financial condition and related proprietary data of petitioner in these investigations can only occur if a portion of the hearing is held *in camera*. Because much of this information is not publicly available, any discussion of issues relating to this information will necessitate disclosure of business proprietary information (BPI). Thus, such discussions can only occur if a portion of the hearing is held *in camera*. The Commission has determined to deny, however, respondents' request to be permitted to present customer testimony or to discuss revisions to questionnaire responses in the closed session. The Commission believes that respondents have not justified their request for an *in camera* discussion of these topics. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will include the usual public presentations by petitioner and by respondents, with questions from the Commission. In addition, the hearing will include an *in camera* session for a presentation that discusses only the business proprietary information submitted by petitioner and for questions from the Commission relating to the BPI, followed by an *in camera* rebuttal presentation by petitioners. For any *in camera* session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation. *See* 19 C.F.R. § 201.35(b)(1), (2). In addition, to the extent petitioner's BPI will be discussed in the *in camera* session, a designated representative of the petitioning firm whose data will be discussed may also be granted access to the closed session while such data is discussed. The time for the parties' presentations and rebuttals in the *in camera* session will be taken from their respective overall allotments for the hearing. All persons planning to attend the *in camera* portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR § 201.39) that, in her opinion, a portion of the Commission's hearing in *Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Germany and Japan,* Inv. Nos. 731–TA–736 & 737 (Final) may be closed to the public to prevent the disclosure of BPI.

Issued: July 15, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–18253 Filed 7–16–96; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–749 (Preliminary)]

Persulfates From China

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a preliminary antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731–TA–749 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)) (the Act) to determine whether there is a reasonable indication

that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of persulfates, provided for in subheadings 2833.40.20 and 2833.40.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. § 1673a(c)(1)(B)), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by August 26, 1996. The Commission's views are due at the Department of Commerce within five business days thereafter, or by September 3, 1996.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: July 11, 1996.

FOR FURTHER INFORMATION CONTACT: Olympia DeRosa Hand (202–205–3182), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov or ftp://ftp.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on July 11,1996, by FMC Corp., Chicago, IL.

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the Federal Register. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this preliminary investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on July 31, 1996, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Olympia Hand (202–205–3182) not later than July 26, 1996, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before August 5, 1996, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: July 12, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–18252 Filed 7–16–96; 8:45 am]

BILLING CODE 7020–02–M

Appointment of Individuals To Serve as Members of Performance Review Boards

AGENCY: United States International Trade Commission.

ACTION: Appointment of individuals to serve as members of performance review boards.

EFFECTIVE DATE: July 9, 1996.

FOR FURTHER INFORMATION CONTACT: Michael J. Hillier, Director of Personnel, U.S. International Trade Commission (202) 205–2651.

SUPPLEMENTARY INFORMATION: The Chairman of the U.S. International Trade Commission has appointed the following individuals to serve on the Commission's Performance Review Board (PRB):

Chairman of PRB—Commissioner Lynn M. Bragg

Member—Commissioner Don E. Newquist

Member—Commissioner Carol T. Crawford

Member—Commissioner Janet A. Nuzum

Member—Commissioner Peter S. Watson

Member—Lyn M. Schlitt

Member—Robert A. Rogowsky

Member—Lynn I. Levine

Member—Eugene A. Rosengarden

Member—Vern Simpson

Member—Lynn Featherstone

Notice of these appointments is being published in the Federal Register pursuant to the requirement of 5 U.S.C. 4314(c)(4).

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 205–1810.

Issued: July 10, 1996.

By order of the Chairman.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–18106 Filed 7–16–96; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Bureau of Justice Assistance

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Fiscal Year 1996 Church Arson Prevention Grant Program.

In accordance with the Code of Federal Regulations (5 CFR Part 1320.13) the Department of Justice is requesting emergency approval by July 12, 1996, from the Office of Management and Budget for this collection of information. Emergency approval is need to comply with 42 United States Code Section 3760.

During the emergency approval period the Department will apply for three year approval under the normal processing procedures contained in 5 CFR 1320.

Request written comments and suggestions from the public and affected agencies. Comments are encouraged and will be accepted for 60 days from the date listed at the top of this page in Federal Register.

ADDRESSES: Additional comments, suggestions, requests for information, or need a copy of the proposed information collection instrument with instructions, should be addressed to Chief Andrew Mitchell, United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Information can also be obtained from Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Chief Andrew Mitchell at (202) 616–3469.

SUPPLEMENTARY INFORMATION: Overview of this information collection:

(1) Type of Information Collection: New collection of information.

(2) Title of the Form/Collection: Fiscal Year 1996 Church Arson Prevention Grant Program Form.

(3) Agency form number, if any, and the applicable component of the United States Department of Justice sponsoring the collection: Bureau of Justice Assistance.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Units of county governments. Other: None. P.L. 90–351, as amended, enacted the Fiscal Year 1996 Church Arson Prevention Grant Program. This program awards grant funds to units of county governments for the purposes of reducing crime and improving public safety. The Application Form will be completed by each eligible unit of county government applicant and will provide information for application review and award processing.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 1291 responses at 15 minutes.

(6) An estimate of the total public burden (in hours) associated with the collection: annual burden 645.5 hours (including opportunity cost).

Request for Comments

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. our comments should address one or more of the following four points:

(1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Tisha D. Elliott,

Acting Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–18145 Filed 7–16–96; 8:45 am]

BILLING CODE 4410–18–M

Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that a proposed settlement agreement in *In re: Chem-Tech Systems, Inc.*, Case No. LA95–18924–SB (C.D. Cal.), was lodged on June 21, 1996 with the United States Bankruptcy Court for the Central District of California. On August 30, 1995, the United States filed a Proof of Claim in the Debtor's Chapter 11 case, seeking reimbursement of past and future response costs for a cleanup at the Casmalia Resources Hazardous Waste Disposal Facility Site (the ''Site'') in Santa Barbara, California. Under section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. § 9607(a), Chem-Tech is liable for these costs because of its contribution of hazardous substances to the Site.

The proposed settlement agreement provides that the United States' claim will be valued at $1.6 million and will receive the same treatment as other general unsecured creditors. Chem-Tech will receive a covenant not to sue from the United States related to the Site and will receive protection from suits from other parties.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed settlement agreement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044; and refer to *In re: Chem-Tech Systems*, DOJ Ref. #90–7–1–611C.

The proposed settlement agreement may be examined at the office of the United States Attorney, Central District of California, 300 North Los Angeles Street, Los Angeles, California 90012; at the Region IX office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed settlement agreement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $4.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–18096 Filed 7–16–96; 8:45 am]

BILLING CODE 4410–01–M

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

[OJP No. 1092]
[ZRIN 1121–ZA42]

Title IV Missing and Exploited Children's Fiscal Year 1996 Program Announcement

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

ACTION: Notice of proposed program plan for public comment.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention is publishing its Title IV Missing and Exploited Children's Fiscal Year (FY) 1996 Proposed Program Plan and is soliciting public comment on the proposed plan and priorities. Based on analysis of public comments, OJJDP will issue its final FY 1996 Title IV Program Plan.

DATES: Comments must be submitted by September 16, 1996.

ADDRESSES: Public comments may be mailed to Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue N.W., Room 742, Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Ronald C. Laney, Director, Missing and Exploited Children's Program, 202–616–3637. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Missing and Exploited Children's Program is a program of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Pursuant to the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, as amended, provisions of section 406 (a)(2), codified at 42 U.S.C. 5776, the Administrator of OJJDP is publishing for public comment a Program Plan for activities authorized by Title IV, the Missing Children's Assistance Act, codified at 42 U.S.C. 5771 *et seq.*, that OJJDP proposes to implement in FY 1996. Taking into consideration comments received on this Proposed Program Plan, the Administrator will develop and publish a Final Program Plan that describes the program activities OJJDP plans to fund during FY 1996 using Title IV funds.

The actual solicitation of grant applications under the Final Program Plan will be published at a later date in the Federal Register. No proposals, concept papers, or other types of applications should be submitted at this time.

Background: The Nature of the Problem of Missing and Exploited Children

The issues involving missing and exploited children can be divided into four categories: family abduction, nonfamily abduction, child exploitation, and the impact these events have on children and families. These issues are summarized below, using data drawn from the 1988 National Incidence Study of Missing, Abducted, Runaway, or Thrownaway Children (NISMART).

Family Abduction

An estimated 354,100 family abductions occur each year. Forty-six percent of these abductions (163,200) involve concealment of the child, transportation of the child out of State, or intent by the abductor to keep the child indefinitely or to permanently alter custody. Of this more serious subcategory of family abductions, a little more than half are perpetrated by men who are noncustodial fathers and father figures. Most victims are children between the ages of 2 to 11. Half involve unauthorized takings, and half involve failure to return the child after an authorized visit or stay. Fifteen percent of these abductions involve the use of force or violence. Between 75 to 85 percent involve interstate transportation of the child. About half of family abductions occur before the relationship ends. Half do not occur until 2 or more years after a divorce or separation, usually after parents develop new households, move away, develop new relationships, or become disenchanted with the legal system. More than half occur in the context of relationships with a history of domestic violence. An estimated 49 percent of abductors have criminal records, and a significant number have a history of violent behavior, substance abuse, or emotional disturbance. It is not uncommon for child victims of family abduction to have their names and appearances altered; to experience medical or physical neglect, unstable schooling, homelessness; or to endure frequent moves. These children are often told lies about the abduction and the left-behind parent, even that the left-behind parent is dead.

Nonfamily Abduction

An estimated 3,200 to 4,600 short-term nonfamily abductions are known to law enforcement each year. Of these, an estimated 200 to 300 are stereotypical kidnapings where a child is gone overnight, is killed, or is transported a distance of 50 miles or more or where the perpetrator intends to keep the child permanently. Young teenagers and girls are the most common victims. Two-thirds of short-term abductions involve a sexual assault. A majority are abducted from the street. More than 85 percent of nonfamily abductions involve force, and more than 75 percent involve a weapon. Most episodes last less than a day. Most researchers and practitioners consider the number of short-term abductions to be an underestimate because of police reporting methods and lack of reporting on the part of victims. FBI data support estimates of 43 to 147 stranger abduction homicides of children annually between 1976 and 1987. An estimated 114,600 nonfamily abductions are attempted each year, all involving strangers and usually involving an attempt to lure a child into a car. In a majority of these cases, the police were not contacted.

Child Exploitation

Children are also at risk of being victimized as a result of a range of circumstances that fall into three categories: running away, being thrownaway by parents or guardians, or being otherwise lost or missing.

An estimated 446,700 children run away from households each year. In addition, an estimated 12,800 children run from juvenile facilities each year. Many children who run from households also run from facilities. About one-third of these runaways left home or a juvenile facility more than once. Of all runaways, 133,500 are without secure and familiar places to stay during their episodes. More than a third of runaways run away more than once during the year. One in ten travels a distance of more than 100 miles. Of the runaways from juvenile facilities, almost one-half leave the State. Runaways are mostly teenagers, but almost 10 percent are 11 years old and younger. They tend to come disproportionately from households with stepparents. Family conflict seems to be at the heart of most runaway episodes. Between 60 and 70 percent of runaways report being seriously abused physically. Sexual abuse estimates range from 25 to 80 percent of the total. Runaways, particularly chronic runaways, are at higher risk for physical and sexual victimization, substance abuse, sexually transmitted diseases, unintended pregnancies, violence, and suicide.

There are an estimated 127,100 thrownaway children who are directly told to leave their households, who have been away from home and are not allowed back by their caretakers, whose caretakers make no effort to recover them when they have run away, or who

have been abandoned or deserted. By comparison, for every child who is a thrownaway, there are four runaway children. An estimated 59,200 thrownaway children are without secure and familiar places to stay during the episodes. Most thrownaways are older teenagers, but abandoned children tend to be young (half under the age of 4). Thrownaways are concentrated in low-income families and families without both natural parents. Compared to runaways, thrownaways experience more violence and conflict within their families and are less likely to return home.

An estimated 438,200 children are lost, injured, or otherwise missing each year. Of these, 139,100 cases are serious enough for the police to be called. Almost half involve children under 4. Most of these episodes last less than a day. A fifth of the children experienced physical harm. Fourteen percent of the children were abused or assaulted during the episodes.

Impact on Children and Families

The majority of families of missing children experience substantial psychological consequences and emotional distress. The level of emotional distress equals or exceeds the emotional distress for other groups of individuals exposed to trauma, such as combat veterans and victims of rape, assault, or other violent crime, with families where the missing child is subsequently recovered deceased exhibiting the highest level of emotional distress. Once home, a third of abducted children live in constant fear of a reabduction. Many child victims of family abduction experience substantial psychological consequences and emotional distress. Trauma symptoms may be evident for up to 4 or 5 years after recovery. More than 80 percent of recoveries of missing children are concluded in less than 15 minutes with no psychological or social service support. Almost four-fifths of victims and families of missing children do not receive mental health or counseling services. The only nonfamily person present is most often a police officer.

Long Range Plan for Future Title IV Funding

In FY 1995 OJJDP published a Long Range Plan for Title IV, which was based on the latest research in the field and on the input of experts and individuals who had been involved in family abduction cases. This Long Range Plan was designed to guide the expenditure of funds appropriated under Title IV for programs and services to benefit missing and exploited children and their families. OJJDP uses the Long Range Plan to establish Missing Children's Assistance Act priorities, develop programs, make grant awards, and deliver technical assistance and training.

As part of the Long Range Plan, OJJDP's Title IV funds are allocated to address three major goals. Each of these goals is aimed at improving services to missing and exploited children and their families by using existing community resources and multidisciplinary approaches. The three goals established in the Long Range Plan and OJJDP's current and proposed strategies to meet them are discussed below.

Goal 1: Increase Awareness of Problems Relating to Missing and Exploited Children

OJJDP is developing a series of clearly stated messages about missing and exploited children and vehicles to disseminate this information to targeted audiences. In cooperation with the National Center for Missing and Exploited Children (NCMEC), OJJDP is developing public service announcements (PSA's) to communicate information about the human, economic, and social costs of the victimization of missing and exploited children and their families. PSA's aimed at parents, professionals, and policymakers will be used to increase the visibility of the problem of missing and exploited children (including those who are abducted by their parents), raise public awareness about the needs of these children, and bring greater attention to the resources and services that are available to aid and support children who are missing, abducted, or victimized.

In FY 1996 OJJDP plans to use new technologies, such as teleconferencing and video training materials, to increase awareness and understanding of issues associated with missing and exploited children. OJJDP also will allocate funds to State clearinghouses through NCMEC to upgrade their online communications networks and enhance their ability to disseminate information about missing and exploited children. Supplemental funds will be awarded to NCMEC's Resource Center to provide these upgrades.

OJJDP plans to conduct training workshops in FY 1996 for State clearinghouses and missing children's organizations on multijurisdictional collaboration to offer communities creative solutions to common problems and challenges.

Another important step is development of strategies to determine if PSA's and messages regarding missing and exploited children are reaching their intended audience and improving understanding about the problems and needs associated with these children. Survey information or focus groups can be used to evaluate and assess how well public education materials impart key facts about prevention, intervention services, and the need to prosecute crimes against children committed by adults.

Goal 2: Develop Community Approaches for Addressing Problems Relating to Missing and Exploited Children

OJJDP will use the Title IV program to identify, design, and make available effective community approaches for addressing the problems of missing and exploited children and their families. These approaches will deal with specific aspects of family abduction, nonfamily abduction, and otherwise missing children.

Two Title IV projects will identify gaps and overlaps, increase knowledge and information about missing and exploited children, and improve the system's response to these children. OJJDP's Prevention of Parent or Family Abduction of Children Through Early Intervention Risk Factors is designed to reduce the number of parental abductions by identifying the factors and circumstances that are most likely to lead to the abduction of a child by a parent or a family member. Through increased awareness and understanding of risk factors, prevention and intervention tactics can be more sharply focused. NISMART II (National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children II), which was awarded in FY 1995 and is scheduled for completion in FY 1998, will improve understanding of the needs and problems associated with missing and exploited children. This study will expand the information and data generated by the original NISMART study and will generate more information about relatively new categories of missing children such as thrownaways and otherwise lost children.

In addition to these studies, Title IV has funded a number of initiatives that are responding to needs and gaps already identified in the field. The American Bar Association (ABA) is establishing a network of attorneys to represent families in legal actions under the Hague Convention. The ABA is recruiting and providing legal support to these attorneys, who will work with families referred from the NCMEC and the U.S. Department of State.

Through a cooperative agreement with the Association of Missing and Exploited Children Organizations (AMECO), a consortium of nonprofit organizations, standardized intake forms and procedures are being developed for nonprofit missing children's organizations (NPO's). Training and technical assistance needs of NPO's are being identified through focus groups, surveys of State missing children clearinghouses and nonprofit organizations, and consultation with AMECO representatives. After the identification of training needs, OJJDP's Title IV Training and Technical Assistance Project will develop a curriculum for training.

Title IV programs emphasize the use of existing resources and the development of multiagency approaches for dealing with missing and exploited children issues. This includes programs to help communities develop comprehensive case management methods and approaches, programs focusing on addressing confidentiality and information sharing issues and concerns, and programs that promote interagency collaboration.

Effective Community-Based Approaches for Dealing with Missing and Exploited Children, awarded in FY 1995, is a study that will help communities establish methods and procedures for multiagency planning and resource sharing. Conducted by the ABA, this study will identify effective community-based approaches for dealing with missing and exploited children. Study results will be used to design a training curriculum to help communities plan, implement, and evaluate a multiagency response to missing and exploited children and their families.

OJJDP's Missing and Exploited Children's Comprehensive Action Program (M/CAP), originally funded in FY 1988, has provided training and technical assistance to help local communities identify and address problems relating to missing and exploited children. Through a self-assessment process, community agencies are encouraged to work together to identify issues and needs; examine, plan, and allocate resources more effectively; and establish a comprehensive case-management system for serving missing and exploited children. M/CAP emphasizes multiagency cooperation and collaboration, information and resource sharing, and community planning and action. In FY 1996 M/CAP will be integrated into OJJDP's Title IV Training and Technical Assistance Program.

To encourage both justice system and human service agencies to participate actively in addressing issues associated with missing and exploited children, Title IV training programs and activities promote the use of community-based, multiagency teams to address issues relating to missing and exploited children. Attendance at many of OJJDP's training programs (such as M/CAP, cited above, and the Child Abuse and Exploitation Team Investigative Program) requires participation by both justice and human service agencies.

To ensure that OJJDP is abreast of emerging training needs and that Title IV training programs meet the needs of professionals in the field, OJJDP and its training and technical assistance providers are establishing a comprehensive training and technical assistance plan that is coordinated with other Federal agency training programs. Current and planned training and technical assistance activities are based on a thorough needs assessment of various constituent groups, including nonprofit organizations, law enforcement personnel, and attorneys. OJJDP integrates the latest research and evaluation results into its missing and exploited children training and technical assistance programs.

A calendar with a schedule of Title IV training and technical assistance activities is produced and updated on a regular basis. This schedule is used to plan Title IV training programs and activities; track resources, course availability, and demand; and coordinate Title IV activities with training and technical assistance activities sponsored by other Federal, State, local, private, or public agencies and other organizations.

OJJDP is also developing new training programs in direct response to needs identified from the field and reflected in the Title IV Long Range Plan. One example is the training that is being developed for chief executive officers (CEO's). CEO's have not been adequately targeted to receive information and training related to Title IV. As a result missing and exploited children's issues have not been given the level of priority necessary to effect change. Through OJJDP's Title IV Training and Technical Assistance Program, conducted by Fox Valley Technical College, a 1-day CEO program is being designed to highlight the most current research and practice relating to missing and exploited children. This program will enhance CEO knowledge and awareness about missing and exploited children needs and issues, improve community response to these children, and help community leaders integrate the needs and concerns of missing and exploited children into their overall community plans and strategies.

A 40-hour Child Sexual Exploitation Investigation Training curriculum for law enforcement investigators also was developed and tested this past year. This course will be offered regionally and will become part of the comprehensive training and technical assistance program offered through Title IV.

Through the Title IV Training and Technical Assistance Program, OJJDP will conduct a State clearinghouse needs assessment to identify problems and concerns and training and technical assistance needs. This information will be used to develop strategies and resources to respond to these concerns.

In FY 1996 OJJDP will identify information gaps and needs and address them through research, training, technical assistance, and other support. Through an interagency agreement, OJJDP will support an FBI research manager position and pay for investigating agents' travel expenses to interview convicted pedophiles. The purpose of these interviews is to increase law enforcement's understanding of homicidal pedophiles' methods in target selection, body disposal, advance planning, and luring strategies.

Goal 3: Provide Assistance to Communities to Help Them Implement Effective Approaches for Serving This Population

OJJDP assists communities committed to implementing effective approaches for dealing with the problems of missing and exploited children and their families. This assistance includes site visits, training, assessment reports, publications, teleconferences, and delivery of technical assistance and services.

OJJDP is developing a marketing plan to identify communities, constituent groups, or practitioners that might be interested in making further use of services supported by Title IV. The needs assessments of various constituent groups will contribute to this marketing plan and strategy. The marketing plan will be based on an analysis of the location of various types of child victimization related to Title IV and past community interest in Title IV issues. Materials and methods for marketing technical assistance and training to these communities will be developed.

To complement OJJDP's planning for future training and assessment of technical assistance needs, OJJDP is

expanding its evaluation of technical assistance and training activities funded through Title IV. Grantees who deliver these services will provide the names and addresses of all individuals who requested and received services through Title IV. This information will be used to distribute evaluation surveys to assess the quality and effectiveness of services delivered.

Fiscal Year 1996 Programs

The Title IV continuation programs and proposed new programs for FY 1996 are summarized below. The available funds, listing of implementation sites, and other descriptive information are subject to change based on the plan review process, grantee performance, application quality, fund availability, and other factors. OJJDP has a limited amount of funds for new programs in FY 1996. Proposed new program funding levels are based on the availability of appropriations. Additional programs may be added to the plan based on the review and comment process.

Continuation Programs

National Center for Missing and Exploited Children. ($3,195,000)

This 3-year cooperative agreement funds the operation of a national resource center and clearinghouse as mandated in section 404 (b), 42 U.S.C. 5773, of the JJDPA. The Clearinghouse operates a 24-hour toll-free telephone line through which individuals may report information regarding the location of a child who is missing or who is age 13 or younger and whose whereabouts are unknown to the child's legal custodian or request information pertaining to procedures necessary to reunite the child with the legal guardian. The Clearinghouse is responsible for providing a wide range of assistance to State and local governments, public and private nonprofit agencies, and individuals. This assistance includes coordinating public and private programs that locate, recover, or reunite missing children with their legal guardians; providing training and technical assistance; disseminating information about innovative and model missing children's programs; and facilitating the lawful use of school records to identify and locate missing children.

In FY 1996 an additional $100,000 over the amount of FY 1995 funding will be provided to the Clearinghouse grantee, NCMEC, to upgrade the State clearinghouse online communications network. Enhancements will include updated personal computers and software components, high speed modems, advanced software, and imaging capability.

National Alzheimer Patient Alert Program. ($900,000)

OJJDP has responsibility for this program because NCMEC serves as the clearinghouse and operates the hotline for the Alzheimer program. The purpose of this program is to continue to expand the national registry of memory-impaired persons, support the toll-free telephone service, provide a Fax Alert System, conduct a ''train the trainers'' program for law enforcement and emergency personnel, develop information and educational materials, launch a national public awareness campaign, and transition current ''wandering persons'' programs into the national safe return program.

Title IV Training and Technical Assistance. ($1,250,000)

The Title IV Training and Technical Assistance Program assists OJJDP and missing children grantees in raising the awareness of missing children services and improving system capabilities to meet the needs of missing and exploited children. This is accomplished by developing and implementing quality training and technical assistance for Federal, State, and local governments; nonprofit organizations; and Title IV grantees. The grantee, Fox Valley Technical College, uses an advisory board composed of law enforcement, nonfamily and family abduction victim parents, and family services, mental health, prosecution, school, and medical professionals to provide input and direction.

In FY 1996 the Title IV Training and Technical Assistance Program also will assume responsibility for providing training and technical assistance related to the Missing and Exploited Children's Comprehensive Action Program (M/CAP). M/CAP is a national demonstration project to promote the implementation of multiagency community approaches to respond to missing and exploited children cases. Through a broad program of technical assistance and training, M/CAP has helped agencies develop an effective multiagency team to deal with missing and exploited children cases and provided training and technical assistance to build specialized skills to handle these cases.

In FY 1996 assistance will be offered to project sites that are in the process of developing a long-range implementation plan. Training and technical assistance will also be provided to sites that have already adopted long-range implementation plans. Training and technical assistance materials will be incorporated into the Title IV Training and Technical Assistance Program. Existing M/CAP sites will be encouraged to serve as regional technical assistance sites to provide OJJDP with a mechanism to support the delivery of services through the Title IV Training and Technical Assistance Program.

Association of Missing and Exploited Children's Organizations (AMECO). ($28,430)

An award will be made to AMECO, a consortium of nonprofit organizations (NPO's), to further enhance and support the capabilities of nonprofit organizations serving missing and exploited children. Specifically, AMECO will be developing standardized intake forms for NPO's, developing communications systems (online networks) to link NPO's, developing and distributing an NPO newsletter to discuss emerging themes and legislative issues, enhancing information sharing, facilitating discussions regarding fundraising among NPO's, and working with OJJDP to identify and assess the training and technical assistance needs of NPO's.

National Missing Children Data Archive. ($25,000)

This agreement continues funding for the Missing Children Data Archive. Through a cooperative agreement with the University of Michigan Consortium for Political and Social Research, staff process and archive OJJDP missing children data into a readily understandable, standard format (this includes data sets produced through OJJDP missing children projects).

National Crime Information Center (NCIC). ($100,000)

FY 1996 funds will be awarded to continue NCMEC's online access to the FBI National Crime Information Center's Wanted and Missing Persons files.

NISMART II. ($1,494,782)

Temple University Institute for Survey Research was awarded a grant in FY 1995 to conduct the second National Incidence Studies of Missing, Exploited, Abducted, Runaway, and Thrownaway Children (NISMART II). This project builds on the strengths and creatively addressees some of the weaknesses of NISMART I. Temple has assembled a team of experts in the field of child victimization and survey research capabilities, particularly surveys involving children and families

concerning sensitive topics. Temple is contracting with the University of New Hampshire Survey Research Lab and Westat, Inc., to carry out specific components of the study and providing extensive background knowledge about the particulars of NISMART I. Specifically, the project will (1) Revise NISMART definitions, (2) conduct a household survey that interviews both caretaker and child, (3) conduct a police records study, (4) conduct a juvenile facilities study, (5) analyze National Incidence Study—3 Community Professionals Study, (6) develop a single estimate of missing children, and (7) conduct analyses and prepare reports. No additional funds will be awarded to this project in FY 1996. The project is scheduled for completion in FY 1998.

Missing Children Program To Increase Understanding of Child Sexual Exploitation. ($98,000)

This project is a joint effort between OJJDP and the Office for Victims of Crimes. The goal of the project is to learn more about the missing children problem as it relates to children who become the victims of sexual exploitation, including pornography and prostitution; the precipitating circumstances surrounding children's path to involvement in pornography and prostitution; and the response of law enforcement, social welfare, and judicial systems to this serious and growing problem. The Educational Development Center is completing Phase II of this project, which involves youth interviews and the completion of reports.

Awarded with FY 1994 funding, the project is scheduled for completion in June 1997.

Effective Community-Based Approaches for Dealing With Missing and Exploited Children. ($249,234)

In FY 1995 the ABA was awarded an 18-month grant to study effective community-based approaches for dealing with missing and exploited children. The objectives of Phase I of this study are to (1) Conduct a national search for communities that have implemented a multiagency response to missing and exploited children and their families, (2) select five communities with a viable working multiagency response that holds promise for replication, (3) evaluate these five communities, and (4) prepare a final report. In Phase II the ABA will design and develop a modular training curriculum to help communities plan, implement, and evaluate a multiagency response to missing and exploited children and their families. No funds will be awarded in FY 1996.

Obstacles to the Recovery and Return of Parentally Abducted Children: International Child Abduction Attorney Network. ($170,299)

The goal of this project is to establish the International Child Abduction Network, composed of attorneys who are willing to represent parents on a pro bono basis in legal actions under the Hague Convention on the Civil Aspects of International Child Abduction and who are knowledgeable of the Hague and its implementing status in the United States. The key objectives of this project are to recruit 300 attorneys within 10 months; update, produce, and disseminate relevant legal materials for these attorneys, including special issue briefs; and establish a mechanism for upkeep and continuation of the referral network over time. This referral network will be used by NCMEC to resolve incoming Hague Convention cases. Funding for this 1-year project was awarded to the ABA in FY 1995. The project will be completed in FY 1996.

New Programs

Parent Resource Support Network. ($125,000)

OJJDP proposes to solicit competitive proposals for an assistance award to a nonprofit organization to develop and maintain a parent support network. The need for victim parents to speak with other victim parents has emerged as a constant theme in several OJJDP focus groups. The goal of this project would be to stimulate development of a network of screened and trained parent volunteers who will provide assistance and advice to other victim parents.

Product Development and Technical Assistance on Computer Crimes. ($150,000)

OJJDP plans to solicit competitive proposals for assistance in developing materials on child sexual exploitation to aid State legislatures that are considering new laws on computer-related crime against children (e.g., the use of the Internet for enticement of children). A complete analysis of Federal and State laws relating to computers and crimes against children is needed, leading to specific recommendations in policy, practice, and law. Areas to cover include, but are not limited to, constitutional issues, privacy issues, liability of law enforcement officers and network providers, legal responsibility of parents, and legal issues relating to providers' screening communications and participants on the Internet. Products include a survey of laws and trends; an annotated bibliography of current literature; legal issue briefs on specific key issues; model statutes; training curriculums for law enforcement officers, prosecutors, and law schools; and a comprehensive dissemination plan.

Judicial Teleconference on Interstate and Intrastate Child Abduction. ($50,000)

State court judges do not have sufficient information or knowledge regarding the laws pertaining to interstate and international parental abduction. This lack of information impedes effective resolution of jurisdictional conflicts between States and implementation of the Hague Convention on the Civil Aspects of International Child Abduction. A teleconference on interstate and international child custody jurisdiction and parental abduction would provide an opportunity for judges around the country to access information in an affordable, convenient forum. Conference proceedings can be used to develop a guidebook for judges. OJJDP proposes to fund this teleconference through an existing Part C discretionary grant with Eastern Kentucky University.

Dated: July 14, 1996.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 96–18140 Filed 7–16–96; 8:45 am]

BILLING CODE 4410–19–P

United States Parole Commission

Public Announcement: Pursuant to the Government In the Sunshine Act (Public Law 94–409) [5 U.S.C. Section 552b]

TIME AND DATE: 2:30 p.m., Thursday, July 11, 1996.

PLACE: 5550 Friendship Boulevard, Suite 400, Chevy Chase, Maryland 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of previous Commission meeting.
2. Reports from the Chairman, Commissioners, Legal, Chief of Staff, Case Operations, and Administrative Sections.
3. Proposal to Amend Regulations to Provide that Transfer Treaty Hearings be Conducted by One Hearing Examiner.
4. Proposal Regarding Computer Restrictions on Parolees.

AGENCY CONTACT: Tom Kowalski, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: July 3, 1996.

Michael A. Stover,

General Counsel, U.S. Parole Commissioner.

[FR Doc. 96–18269 Filed 7–15–96; 2:42 pm]

BILLING CODE 4410–01–M

Public Announcement: Pursuant To The Government In the Sunshine Act (Public Law 94–409) [5 U.S.C. Section 552b]

DATE AND TIME: 10:30 a.m., Thursday, July 11, 1996.

PLACE: 5550 Friendship Boulevard, Suite 400, Chevy Chase, Maryland 20815.

STATUS: Closed—Meeting.

MATTERS CONSIDERED: The following matter will be considered during the closed portion of the Commission's Business Meeting.

Appeals to the Commission involving approximately 10 cases decided by the National Commissioners pursuant to a reference under 28 C.F.R. 2.27. These cases were originally heard by an examiner panel wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

AGENCY CONTACT: Tom Kowalski, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: July 3, 1996.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 96–18270 Filed 7–15–96; 2:42 pm]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps: Preliminary Finding of No Significant Impact (FONSI) for the New Job Corps Center Located at 3300 South Kedzie Avenue in Chicago, IL

AGENCY: Employment and Training Administration.

ACTION: Preliminary Finding of No Significant Impact (FONSI) for the New Job Corps Center located at 3300 South Kedzie Avenue in Chicago, Illinois.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR Part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, Employment and Training Administration, Office of Job Corps, in accordance with 29 CFR 11.11(d), gives notice that an Environmental Assessment (EA) has been prepared and the proposed plans for the new Chicago Job Corps Center will have no significant environmental impact, and this Preliminary Finding of No Significant Impact (FONSI) will be made available for public review and comment for a period of 30 days.

DATES: Comments must be submitted by August 16, 1996.

ADDRESSES: Any comment(s) are to be submitted to Amy Knight, Employment and Training Administration, Department of Labor, 200 Constitution Ave., NW, Washington, DC 20210, (202) 219–5468 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Copies of the EA and additional information are available to interested parties by contacting Richard Trigg, Regional Director, Region V (Five), Office of the Job Corps, 230 South Dearborn Street, Chicago, IL 60604, (312) 353–1311 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The proposed site is located approximately 7 miles southwest of the Chicago Loop on a 30.7-acre parcel which is currently undeveloped and is in an urban/industrial area adjacent to the north side of the Chicago Sanitary and Ship Canal. The EA indicates that the property consists of 14 acres currently owned by the City of Chicago and 16.7 acres owned by the State of Illinois. An historical review indicates that one or several small structures may have existed on the property at one time or another; however, the records do not indicate how the structures were used. The site consists of fill material which is believed to have been dredged from the adjacent Chicago Sanitary and Ship Canal. The fill has been dumped on the site over a period of many years along with other unknown sources of garbage and miscellaneous debris. The southwest corner of the site slopes southwest towards the Canal where a small wetland area exists. The rest of the site is characterized by low quality vegetation. The proposed site is bordered by the Illinois Central Gulf Railroad to the north, the Chicago Sanitary and Ship Canal to the south, a radio station and Kedzie Avenue to the east, and more vacant land and Central Park Avenue to the west.

As a result of the many years of dredging and dumping of the nearby canal sediments onto adjacent land, the site was contaminated with lead and polychlorinated biphenyls (PCBs). Contaminated soils containing lead and PCBs were removed from the site as part of the pre-construction soil remediation work. If left unremediated, these contaminants could have posed a health risk via soil contact, air emissions, and groundwater contact during the construction process. Identified areas of PCB and lead contaminated soil have been remediated by the City of Chicago to safe levels.

A Corrective Action Certification Report was prepared to certify that the preconstruction soil remediation work at the above referenced project has been completed and meets the cleanup objectives of the Site Management Plan approved by the IEPA. The completed remediation work effectively reduced the risk of exposure to personnel performing the construction of the Job Corps training facility, as well as to Job Corps personnel and students, in accordance with the risk assessment approved by the IEPA. The conclusions of the Site Management Plan clearly indicate that the goals and objectives of the Site Management Plan can be effectively accomplished to further reduce the overall risk to workers during construction and to Job Corps personnel and students engaged at activities planned for the Chicago Job Corps Center.

The proposed Chicago Job Corps Center is designed to accommodate approximately 348 full-time residential students. An additional estimate of 28 non-resident students will increase the total to 376 students. The property will consist of dormitories, educational/vocational facilities, food service facilities, medical/dental facilities, recreational facilities, administrative offices, storage and support. The proposed project is designed to be constructed in accordance with the local fire, building, and zoning code requirements.

Conversion of this undeveloped property to a Job Corps Center would be a positive asset to the area in terms of environmental and socioeconomic improvements and long-term productivity. The Chicago Job Corps Center will be a new source of employment opportunity. In addition, the Job Corps program, which provides basic education, vocational skills training, work experience, counseling, health care and related support services, is expected to graduate students ready to participate in the local economy and elsewhere.

The proposed project will not have any significant adverse impact on any natural system or resource. There are no ''historically significant'' buildings on the site and no areas of archaeological significance. There are no threatened or endangered species located on the site.

Remediation of lead and PCB contaminated soil has been completed in accordance with the CDOE and IEPA approved site management plan, therefore surface water, ground water, and the remaining low quality vegetation would not be adversely affected. Future construction and operational activities associated with the proposed project will compare favorably to the surrounding land uses which are characterized by urban/industrial and residential construction. Any additional remediation of contaminated soil that may be encountered during the construction phase of this project will be remediated using proper engineering controls to minimize or eliminate impacts from contamination upon the natural systems and resources.

Garbage and debris on site which could contain asbestos and/or lead-based paint has or will be removed as part of the site remediation prior to the use of the facility. The proposed site has been identified by the Illinois Division of Nuclear Safety has an area of low potential for radon gas accumulation in concentrations requiring remediation activities.

The proposed project will not have any significant adverse impact upon air quality, noise levels, and lighting. Since this an industrial area, air quality is generally poorer than areas located west and north of the City of Chicago. The proposed project would not be a source of air emissions. Noise levels in the area are consistent with urban/industrial areas and, with the exception of the construction period, the proposed project will not be a source of additional noise. Finally, street lights for the proposed project will be modified in the final design, if necessary, to ensure levels of illumination consistent with the utilization needs.

The proposed project will not have any significant adverse impacts upon the existing surrounding infrastructure represented by water, sewer, and storm water systems. Adequate water is available to the site through the City of Chicago Bureau of Water Distribution. The City operates a combined sanitary and storm sewer system which is maintained by the Department of Sewers. The collection system is readily accessible and deemed to be adequate. All wastewater treatment will be handled by the Metropolitan Water Reclamation District of Greater Chicago at the Stickney wastewater treatment facility. The Stickney plant is operating under an existing National Pollution Discharge Elimination System (NPDES) permit.

The proposed site is surrounded by electrical power, with power lines bordering the site to the north and east. New distribution systems would be easily accessible from the adjacent lines. The proposed demands on electric power are not expected to have a significant adverse affect on the environment. The site location to road and public transportation corridors makes it an excellent location for public access. Adequate roads within the site would also be constructed, and traffic patterns to and from the site would be closely monitored to insure a satisfactory movement of vehicles. Therefore, no significant adverse affects are expected.

There will be no significant adverse affects upon local medical, emergency, fire and police facilities, all of which are located within 2.25 miles of the proposed site. A medical and dental facility will also be part of the on-site Job Corps complex to accommodate students. The new Job Corps facility will be supported by local medical facilities, including St. Anthony Hospital and Mt. Sinai Hospital Medical Center located in the nearby neighborhoods of Chicago. Emergency, fire, and police services will be provided by the City of Chicago Fire and Police Departments. None of these facilities will be adversely impacted by the Job Corps Center.

The proposed project population will not have a significant adverse sociological effect on the surrounding community, which is characterized by a diverse ethnicity, and offers an abundance of cultural, educational, and recreational opportunities. Similarly, the proposed project will not have a significant adverse affect on demographic and socioeconomic characteristics of the area.

The alternatives considered in the preparation of the EA were as follows: (1) the ''No Build'' alternative, (2) the ''Alternative Sites'' alternative, and (3) the ''Continue as Proposed'' alternative.

The ''No Build'' alternative, originally considered based on environmental concerns related to soil contamination specific to this site, was not selected. A Corrective Action Plan and Site Management Plan to address identified environmental concerns have been developed and approved by environmental regulatory agencies. Future actions to comply with the Site Management Plan include an orientation session, safety protocols, environmental monitoring, and placement of a 3-foot layer of clean fill to be spread as a protective cover over undeveloped portions of the site. Alternative sites in other regional metropolitan areas were considered by the Department of Labor for the new Job Corps Center site, but none of the proposed alternative sites met the minimum selection criteria for locating the proposed facilities. The proposed facilities will be suitable for their intended purpose in the Job Corps, will be environmentally safe, and will be consistent with current building codes and safety practices.

Based on the information gathered during the preparation of the EA for the Department of Labor, Employment and Training Administration, the Office of Job Corps finds that the location of a Job Corps Center on the undeveloped parcel of property located at 3300 South Kedzie Avenue in Chicago, Illinois will not create any significant adverse impact on the environment and, therefore, recommends that the project continue as proposed. The proposed project is not considered to be highly controversial.

Dated at Washington, DC, this 11th day of July, 1996.

Mary H. Silva,

Director of Job Corps.

[FR Doc. 96–18131 Filed 7–16–96; 8:45 am]

BILLING CODE 4510–30–M

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act.

The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' are listed by Volume and States:

Volume V

Arkansas
AR960046 (JULY 19, 1996)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

None

Volume II

Delaware
DEC960002 (MARCH 15, 1996)
DEC960005 (MARCH 15, 1996)
DEC960009 (MARCH 15, 1996)
Maryland
MD960001 (MARCH 15, 1996)
MD960006 (MARCH 15, 1996)
MD960011 (MARCH 15, 1996)
MD960012 (MARCH 15, 1996)
MD960021 (MARCH 15, 1996)
MD960023 (MARCH 15, 1996)
MD960026 (MARCH 15, 1996)
MD960031 (MARCH 15, 1996)
MD960032 (MARCH 15, 1996)
MD960034 (MARCH 15, 1996)
MD960036 (MARCH 15, 1996)
MD960037 (MARCH 15, 1996)
MD960039 (MARCH 15, 1996)
MD960042 (MARCH 15, 1996)
MD960045 (MARCH 15, 1996)
MD960046 (MARCH 15, 1996)
MD960054 (MARCH 15, 1996)
MD960055 (MARCH 15, 1996)
MD960056 (MARCH 15, 1996)
MD960057 (MARCH 15, 1996)
MD960058 (MARCH 15, 1996)
Pennsylvania
PA960005 (MARCH 15, 1996)
PA960006 (MARCH 15, 1996)
PA960024 (MARCH 15, 1996)
PA960026 (MARCH 15, 1996)
PA960030 (MARCH 15, 1996)
PA960031 (MARCH 15, 1996)
PA960052 (MARCH 15, 1996)

Volume III

Kentucky
KY960004 (MARCH 15, 1996)
KY960025 (MARCH 15, 1996)
KY960027 (MARCH 15, 1996)
KY960028 (MARCH 15, 1996)
KY960029 (MARCH 15, 1996)
KY960044 (MARCH 15, 1996)

Volume IV

Indiana
IN960001 (MARCH 15, 1996)
IN960020 (MARCH 15, 1996)
IN960021 (MARCH 15, 1996)
Ohio
OH960001 (MARCH 15, 1996)
OH960002 (MARCH 15, 1996)
OH960003 (MARCH 15, 1996)
OH960028 (MARCH 15, 1996)
OH960029 (MARCH 15, 1996)
OH960034 (MARCH 15, 1996)
OH960035 (MARCH 15, 1996)
OH960036 (MARCH 15, 1996)
OH960038 (MARCH 15, 1996)

Volume V

Arkansas
AR960007 (March 15, 1996)
AR960044 (March 15, 1996)
Iowa
IA960002 (March 15, 1996)
IA960003 (March 15, 1996)
IA960004 (March 15, 1996)
IA960005 (March 15, 1996)
IA960012 (March 15, 1996)
IA960014 (March 15, 1996)
IA960017 (March 15, 1996)
IA960032 (March 15, 1996)
IA960038 (March 15, 1996)
Kansas
KS960007 (March 15, 1996)
KS960008 (March 15, 1996)
KS960009 (March 15, 1996)
KS960010 (March 15, 1996)
KS960011 (March 15, 1996)
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KS960023 (March 15, 1996)
KS960025 (March 15, 1996)
KS960026 (March 15, 1996)
KS960028 (March 15, 1996)
KS960029 (March 15, 1996)
KS960035 (March 15, 1996)
KS960061 (March 15, 1996)
KS960063 (March 15, 1996)

Volume VI

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the county.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 12th Day of July 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–18130 Filed 7–16–96; 8:45 am]

BILLING CODE 4510–27–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, July 18, 1996.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Buffalo Crushed Stone, Inc.,* Docket No. YORK 94–51–M. (Issues include whether the operator violated 30 C.F.R. § 56.14109(a) for failure to locate an emergency stop cord along a conveyor belt so that a person falling against the conveyor could readily deactivate its drive motor; whether the operator's violation of 30 C.F.R. § 56.11009 for failure to provide cleats on an inclined walkway was significant and substantial (''S&S''); and whether the operator's violation of 30 C.F.R. § 56.11002 for failure to provide an adequate stairway handrail was S&S.)

2. *New Warwick Mining Co.,* Docket Nos. PENN 93–445 and PENN 94–54. (Whether the operator's violation of 30 C.F.R. § 75.400 for failure to clean up coal and coal dust accumulations was the result of unwarrantable failure; whether the operator violated 30 C.F.R. § 75.360(b) for failure to note the accumulations during the preshift examination; and whether five violations of 30 C.F.R. § 77.202 for failure to clean up coal dust accumulations in overland belt transfer stations was S&S.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5629 / (202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Dated: July 11, 1996.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 96–18249 Filed 7–15–96; 2:38 pm]

BILLING CODE 6735–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–454 and STN 50–455]

Commonwealth Edison Company; Byron Station, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License Nos. NPF–37 and NPF–66, issued to Commonwealth Edison Company (ComEd, the licensee), for operation of Byron Station, Units 1 and 2, located in Ogle County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow the licensee to utilize the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code) Case N–514, ''Low Temperature Overpressure Protection'' to determine its low temperature overpressure protection (LTOP) setpoints and is in accordance with the licensee's application for exemption dated March 14, 1996. The proposed action requests an exemption from certain requirements of 10 CFR 50.60, ''Acceptance Criteria for Fracture Prevention Measures for Lightwater Nuclear Power Reactors for Normal Operation,'' to allow application of an alternate methodology to determine the LTOP setpoints for Byron Station, Units 1 and 2. The proposed alternate methodology is consistent with guidelines developed by the ASME Working Group on Operating Plant Criteria (WGOPC) to define pressure limits during LTOP events that avoid certain unnecessary operational restrictions, provide adequate margins against failure of the reactor pressure vessel, and reduce the potential for unnecessary activation of pressure relieving devices used for LTOP. These guidelines have been incorporated into Code Case N–514, ''Low Temperature Overpressure Protection,'' which has been approved by the ASME Code Committee. The content of this Code Case has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI. However, 10 CFR 50.55a, ''Codes and Standards,'' and Regulatory Guide 1.147, ''Inservice Inspection Code Case Acceptability'' have not been updated to reflect the acceptability of Code Case N–514.

The philosophy used to develop Code Case N–514 guidelines is to ensure that the LTOP limits are still below the pressure/temperature (P/T) limits for normal operation, but allow the pressure that may occur with activation of pressure relieving devices to exceed the P/T limits, provided acceptable margins are maintained during these events. This philosophy protects the pressure vessel from LTOP events, and still maintains the Technical Specifications P/T limits applicable for normal heatup and cooldown in accordance with 10 CFR Part 50, Appendix G and Sections III and XI of the ASME Code.

The Need for the Proposed Action

Pursuant to 10 CFR 50.60, all lightwater nuclear power reactors must meet the fracture toughness requirements for the reactor coolant pressure boundary as set forth in 10 CFR Part 50, Appendix G. 10 CFR Part 50, Appendix G, defines P/T limits during any condition of normal operation including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime. It is specified in 10 CFR 50.60(b) that alternatives to the described requirements in 10 CFR Part 50, Appendix G, may be used when an exemption is granted by the Commission under 10 CFR 50.12.

To prevent transients that would produce excursions exceeding the 10 CFR Part 50, Appendix G, P/T limits while the reactor is operating at low temperatures, the licensee installed an LTOP system. The LTOP system includes pressure relieving devices in the form of Power Operated Relief Valves (PORVs) that are set at a pressure below the LTOP enabling temperature that would prevent the pressure in the reactor vessel from exceeding the P/T limits of 10 CFR Part 50, Appendix G. To prevent these valves from lifting as a result of normal operating pressure surges (e.g., reactor coolant pump starting and shifting operating charging pumps) with the reactor coolant system in a solid water condition, the operating

pressure must be maintained below the PORV setpoint.

In addition, to prevent damage to reactor coolant pump seals, the operator must maintain a minimum differential pressure across the reactor coolant pump seals. Hence, the licensee must operate the plant in a pressure window that is defined as the difference between the minimum required pressure to start a reactor coolant pump and the operating margin to prevent lifting of the PORVs due to normal operating pressure surges. The 10 CFR Part 50, Appendix G, safety margin adds instrument uncertainty into the LTOP setpoint. The licensee's current LTOP analysis indicates that using this 10 CFR Part 50, Appendix G, safety margin to determine the PORV setpoint would result in an operating window between the LTOP setpoint and the minimum pressure required for reactor coolant pump seals which is significantly restricted when physical conditions such as PORV overshoot, RCP pump > Ps, and static head corrections are taken into account in setpoint determination. Operating with these limits could result in the lifting of the PORVs or damage to the reactor coolant pump seals during normal operation. Using Code Case N–514 would allow the licensee to recapture most of the operating margin that is lost by factoring in the instrument uncertainties in the determination of the LTOP setpoint. The net effect of using Code Case N–514 is that the setpoint will not change significantly with the next setpoint analysis. Therefore, the licensee proposed that in determining the PORV setpoint for LTOP events for Byron, the allowable pressure be determined using the safety margins developed in an alternate methodology in lieu of the safety margins required by 10 CFR Part 50, Appendix G. The alternate methodology is consistent with ASME Code Case N–514. The content of this Code Case has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI.

An exemption from 10 CFR 50.60 is required to use the alternate methodology for calculating the maximum allowable pressure for LTOP considerations. By application dated March 14, 1996, the licensee requested an exemption from 10 CFR 50.60 to allow it to utilize the alternate methodology of Code Case N–514 to compute its LTOP setpoints.

Environmental Impacts of the Proposed Action

Appendix G of the ASME Code requires that the P/T limits be calculated: (a) using a safety factor of two on the principal membrane (pressure) stresses, (b) assuming a flaw at the surface with a depth of one quarter (1/4) of the vessel wall thickness and a length of six (6) times its depth, and (c) using a conservative fracture toughness curve that is based on the lower bound of static, dynamic, and crack arrest fracture toughness tests on material similar to the Byron reactor vessel material.

In determining the PORV setpoint for LTOP events, the licensee proposed the use of safety margins based on an alternate methodology consistent with the proposed ASME Code Case N–514 guidelines. ASME Code Case N–514 allows determination of the setpoint for LTOP events such that the maximum pressure in the vessel will not exceed 110% of the P/T limits of the existing ASME Appendix G. This results in a safety factor of 1.8 on the principal membrane stresses. All other factors, including assumed flaw size and fracture toughness, remain the same. Although this methodology would reduce the safety factor on the principal membrane stresses, use of the proposed criteria will provide adequate margins of safety to the reactor vessel during LTOP transients.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Byron Station, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on June 19, 1996, the staff consulted with the Illinois State official, Mr. Frank Niziolek; Head, Reactor Safety Section; Division of Engineering; Illinois Department of Nuclear Safety; regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 14, 1996, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Byron Public Library District 109 N. Franklin, P. O. Box 434, Byron, Illinois 61010.

Dated at Rockville, Maryland, this 11th day of July 1996.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Project Manager, Project Directorate III–2, Division of Reactor Project—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–18137 Filed 7–16–96; 8:45 am]

BILLING CODE 7590–01–P

Biweekly Notice

Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the

Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 22, 1996, through July 5, 1996. The last biweekly notice was published on July 3, 1996 (61 FR 34884).

Notice Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By August 16, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective,

notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendments request: April 4, 1996

Description of amendments request: The proposed amendments would revise the Technical Specifications (TS) to add an allowance to complete a TS-required surveillance within 24 hours of discovery of a missed surveillance in accordance with the guidance of Generic Letter (GL) 87-09, ''Sections 3.0 and 4.0 of the Standard Technical Specifications (STS) on the Applicability of Limiting Conditions for Operation and Surveillance Requirements'' and NUREG-1433, ''Standard Technical Specifications, General Electric Plants, BWR/4,'' Revision 1, April 1995. Typographical errors are being corrected and wording adjustments are being incorporated for consistency between plant TS terminology and the associated Bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

. The proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated. The operational flexibility resulting from the proposed revision to Technical Specification 3.0.4 is consistent with that allowed by the existing individual LCO [limiting condition for operation] and their associated ACTION requirements, which provide an acceptable level of safety for continued operation. A delay of up to 24 hours or the time of the surveillance interval, whichever is less, provided by Technical Specification 4.0.3 to complete a missed surveillance reduces the probability of a transient occurring when the affected system or component is either out of service to allow performance of the surveillance test, or there is a lower level of confidence in the operability because the normal surveillance was exceeded. The revision to Technical Specification 4.0.4 makes it clear that Technical Specification 4.0.4 does not prevent passage through or to OPERATIONAL CONDITIONS as required to comply with ACTION requirements. The revision to the wording in Unit 2 Technical Specification Table 3.12.1-1, Notation (h), revisions to the Bases of the Technical Specifications, and the elimination of specific exemptions to Technical Specifications 3.0.4 are administrative in nature.

Based on the above, the proposed license amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendments do not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed license amendments do not introduce any new equipment nor do they require any existing equipment or systems to perform a different type of function than they are presently designed to perform. The proposed changes result in improved Technical Specifications by removing unnecessary restrictions on changes in OPERATIONAL CONDITIONS and facility operation, removing unnecessary shutdowns caused by inadvertently exceeding surveillance intervals, and removing conflicts between various Technical Specifications. The revision to the wording in Unit 2 Technical Specification Table 3.12.1-1, Notation (h), revisions to the Bases of the Technical Specifications, and the elimination of specific exemptions to Technical Specification 3.0.4 are administrative in nature.

Based on the above, the proposed license amendments do not create a new or different kind of accident from any previously evaluated.

3. The proposed license amendments do not involve a significant reduction in a margin of safety. The operational flexibility that results from the proposed revision to Technical Specification 3.0.4 is consistent with that allowed by the existing individual LCO and associated ACTION requirements, which provide an acceptable level of safety for continued operation. Therefore, there is no change in the margin of safety associated with this change. A delay of up to 24 hours or the length of the surveillance interval, whichever is less, provided by Technical Specification 4.0.3 to complete a missed surveillance reduces the probability of a transient occurring when the affected system or component is either out of service to allow performance of the surveillance test, or there is a lower level of confidence in the operability because the normal surveillance was exceeded. In addition, the proposed change acknowledges that the most common outcome of the performance of a surveillance is the successful demonstration that acceptance criteria are met. The proposed change provides the potential benefit of avoiding a shutdown transient when required equipment is still capable of performing its function, and variables are still within limits. The revision to Technical Specification 4.0.4 makes it clear that Technical Specification 4.0.4 does not prevent passage through or to OPERATIONAL CONDITIONS as required to comply with ACTION requirements. This change is considered to be a clarification to achieve consistency with existing Technical Specification requirements. The revision to the wording in Unit 2 Technical Specification Table 3.12.1-1, Notation (h), revisions to the Bases of the Technical Specifications, and the elimination of specific exemptions to Technical Specification 3.0.4 are administrative in nature.

The proposed changes would result in improved Technical Specifications and eliminate unnecessary plant challenges. Based on the above, the proposed license amendments do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297

Attorney for licensee: William D. Johnson, Vice President and Senior Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602

NRC Project Director: Eugene V. Imbro

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: December 6, 1995

Description of amendment request: The proposed amendment would relocate the crane operation and movement of heavy loads requirements and their bases from the Technical Specifications (TS) to other plant documents.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The change moves the requirements from TS to other plant documents controlled under 10 CFR 50.59 without affecting their technical content. Since this change does not alter the technical content of any requirements, the operation of the facility in accordance with the proposed change cannot involve a significant increase in the probability or consequences of an accident previously evaluated, create the possibility of a new or different kind of accident from any previous evaluated, or involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Van Wylen Library, Hope College, Holland, Michigan 49423.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201

NRC Project Director: Mark Reinhart

Duke Power Company, Docket Nos. 50-269, 270 and 50-287, Oconee Nuclear Station, Units 1, 2 and 3, Oconee County, South Carolina

Date of amendment request: June 6, 1996

Description of amendment request: The proposed change would remove the Engineered Safeguard (ES) signals that presently open the outlet valves on the Low Pressure Service Water (LPSW) System coolers, LPSW-4 and LPSW-5, on high reactor coolant system pressure or high reactor building pressure. The valves will continue to be operable from the control room when needed. The proposed change to Technical Specification (TS) 4.5.1.1.2.a.(2) would require that the refueling outage test signal be applied to the LPSW pumps, but no longer to LPSW-4 and LPSW-5, and that the operability of the valves be verified by cycling them from the control room. A note would be added to reflect that the refueling outage test of LPSW-4 and LPSW-5 response to the ES signal will continue to be verified until the signal is removed from the ES system for each unit during the specified refueling outages. In addition, TS 4.5.1.1.2.b would be clarified to differentiate between test acceptance criteria for automatic actuation of the appropriate LPSW pumps and valves in response to the ES signal, and completion of travel of LPSW-4 and LPSW-5 in response to manual operation of the valves. A proposed change to the Bases would also reflect these changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Pursuant to 10CFR50.91, Duke Power Company (Duke) has made the determination that this amendment involves a No Significant Hazards Consideration by applying the standards established by NRC regulations in 10CFR50.92. The following discusses the basis for our analysis:

Will operation of the facility in accordance with the proposed amendment:

A. Involve a significant increase in the probability or consequences of an accident previously evaluated?

No. Eliminating the automatic signal that opens Low Pressure Service Water (LPSW) System valves, LPSW-4 and LPSW-5, upon an Engineered Safeguards (ES) actuation does not increase the probability of any accident previously evaluated. The proposed change would involve a delay in providing cooling water to the Low Pressure Injection (LPI) System coolers after a design basis accident. Cooling water flow to the LPI coolers is isolated during normal power operation. During normal cold shutdown conditions, cooling water flow to the LPI coolers is normally open without relying on the ES actuation signal. This cooling water flow is needed to mitigate certain accidents, but a delay in providing this cooling water flow after a design basis accident does not significantly increase the probability of any accident previously evaluated.

Eliminating the ES actuation signal for LPSW-4 and LPSW-5 will not increase the consequences of an accident previously evaluated. After a loss of coolant accident (LOCA), operators will operate the appropriate valves from the control room in sufficient time to provide adequate cooling water flow to maintain containment temperature and pressure within acceptable limits. Duke has also evaluated the delay of LPSW cooling flow's impact on core cooling and concluded that there are no adverse impacts on the capability to maintain core cooling. Since the containment temperature and pressure limits after a LOCA will not be exceeded, this change will not increase any potential off-site dose consequences after a LOCA. Due to the time available for operator action (approximately one hour), there is no significant increase in operator burden during this accident scenario.

B. Create the possibility of a new or different kind of accident from the accidents previously evaluated?

No. As stated above, due to the time available for operator action (approximately 1 hour), there is no significant increase in operator burden during this accident scenario. Eliminating the ES signal that automatically opens valves LPSW-4 and LPSW-5 results in significantly lower flow demand on the LPSW pumps. If all LPSW pumps are successfully started, this could result in a stronger pump causing deadhead conditions on a weaker pump since the pumps feed into the same piping system. To prevent any potential adverse effects on the LPSW pumps due to inadequate flow during the initial stages of a LOCA, minimum flow piping will be installed for the LPSW pumps to provide adequate flowpaths for pump minimum flow. Testing will be performed to validate that the LPSW pumps can operate at the chosen design value for pump minimum flow. In addition, Duke conducted an evaluation, based on manufacturer input, of the thermal effects on the LPI coolers due to delaying LPSW cooling flow. This evaluation concluded that the 30 minute delay of LPSW cooling flow has no adverse thermal effects on the LPI coolers. Therefore, because there is no significant increase in operator burden and because there will be no adverse effects on the LPSW pumps, LPI coolers, and associated piping caused by the delayed LPSW cooling flow, the proposed change will not create the possibility of a new or different kind of accident from the accidents previously evaluated.

C. Involve a significant reduction in a margin of safety?

No. There are no safety limits or limiting safety system settings associated with the LPSW System in the Oconee Nuclear Station Technical Specifications. The proposed change will not affect any existing safety limits or limiting safety system settings. The proposed change will not affect any existing Limiting Conditions for Operation in the Technical Specifications. The proposed change involves an alternative method of initiating cooling water flow to the LPI coolers after a LOCA. This alternative method will achieve the required results since there will be no significant change in the containment temperature and pressure after a LOCA.

Duke has concluded based on the above that there are no significant hazards considerations involved in this amendment request.

The NRC has reviewed the licensee's analysis and, based on this review, it

appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Attorney for licensee: J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20036

NRC Project Director: Herbert N. Berkow

Entergy Operations, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station (GGNS), Unit 1, Claiborne County, Mississippi

Date of amendment request: June 20, 1996

Description of amendment request: The amendment would redefine the secondary containment boundary to allow the enclosure building to be inoperable during the upcoming refueling outage 8 (RFO 8) scheduled to begin in October 1996. The amendment would add a condition to the license that the enclosure building may be inoperable during core alterations and movement of non-recently irradiated fuel (i.e., fuel that has not occupied part of a critical reactor core for 12 days) during RFO 8 and the standby gas treatment (SGT) system may be unable to automatically start or achieve and maintain the required vacuum, provided the following conditions exist:

a. All dampers communicating between the auxiliary building and the enclosure building are closed.

b. The access door between the auxiliary building and the enclosure building is closed, except when the access opening is being used for entry and exit.

c. The SGT system is blocked from automatic initiation.

d. SGT system is available for manual initiation or the actions for Limiting Condition for Operation 3.6.4.3 in the Technical Specifications for GGNS are complied with.

The non-recently irradiated fuel is spent fuel that has decayed at least 12 days after the reactor was shut down for refueling.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not significantly increase the probability or consequences of an accident previously evaluated.

The equipment affected by the proposed change is not considered an initiator to any previously analyzed accident, therefore, inoperability of the equipment does not increase the probability of any previously evaluated accident.

As described in Updated Final Safety Analysis Report [for GGNS,] Chapter 15, the accidents postulated to occur during core alterations in addition to fuel handling accidents are [the following]: inadvertent criticality due to a control rod removal error or continuous control rod withdrawal error during refueling and the inadvertent loading of a fuel assembly in an improper location. These events are not postulated to result in fuel cladding integrity damage. The only accident postulated to occur during core alterations that results in a significant radioactive release is the fuel handling accident. The proposed requirements in conjunction with existing administrative controls on light loads, bounds the conditions of the current design basis fuel handling accident analysis which concludes that the radiological consequences are within the acceptance criteria of NUREG 0800, Section 15.7.4 and General Design Criteria [GDC] 19 [of Appendix A to 10 CFR Part 50]. Therefore, the proposed changes do not significantly increase consequences of any previously evaluated accident.

Based on the above, the proposed changes do not significantly increase the probability or consequences of any accident previously evaluated.

2. The proposed changes would not create the possibility of a new or different kind of accident from any previous analyzed.

The leaktightness of the enclosure building does not affect the function of any plant system other than the ability of the SGT System to ensure the secondary containment is at the specified pressure. The proposed change in [the] normal SGT System alignment[,] by defeating the automatic start feature of the SGT System and the inability to ensure secondary containment is at the specified pressure[,] does not affect the operation of any [other] plant system or component. The SGT System is not relied upon to provide normal or accident cooling to plant systems or components. The function of the enclosure building and the SGT System is only to mitigate the release of radioactivity to the environment in the event of an accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously analyzed.

3. The proposed changes do not involve a significant reduction in a margin of safety.

The proposed changes continue to ensure that the radiological consequences are at or below the current GGNS licensing limit. Safety margins and analytical conservatisms have been evaluated and are well understood. Substantial margins are retained to ensure that the analysis adequately bounds all postulated event scenarios. The current margin of safety is retained.

Specifically, the margin of safety for the fuel handling accident is the difference between the 10CFR100 [dose consequence guidelines of 300 rem thyroid and 25 rem whole- body] and the licensing limit defined by NUREG-0800, Section 15.7.4. With respect to the control room personnel doses, the margin of safety is the difference between the 10CFR100 [guidelines] and the licensing limit defined by 10CFR50 [10 CFR Part 50], Appendix A, Criterion 19 (GDC 19). The proposed applicability continues to ensure that the whole-body and thyroid doses at the exclusion area and low population zone boundaries[,] as well as control room doses[,] are at or below the corresponding licensing limit. The margin of safety is unchanged; therefore, the proposed changes do not involve a significant reduction in a margin of safety.

In excess to the margin of safety supplied by the licensing limits of NUREG-0800 and GDC 19, the proposed change incorporates an additional layer of conservative requirements. The proposed change leaves in effect a redefined secondary containment boundary which will provide a low leakage boundary (consisting of the primary containment and the auxiliary building) by automatically isolating in the event of the design basis fuel handling accident and requires that the SGT System be available for manual initiation when desired. These requirements will ensure that doses will be even lower than those calculated.

Therefore, the proposed changes do not result in a significant reduction in a margin of safety.

Based on the above evaluation, operation in accordance with the proposed amendment involves no significant hazards considerations.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Judge George W. Armstrong Library, 220 S. Commerce Street, Natchez, MS 39120

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., 12th Floor, Washington, DC 20005-3502

NRC Project Director: William D. Beckner

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: June 17, 1996

Description of amendment request: The proposed amendments would revise Technical Specification Section 5.3.1 to allow use of fuel assemblies containing fuel rods clad with ZIRLO™.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the

licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because:

The methodologies used in the accident analyses remain unchanged. The proposed change does not change or alter the design assumptions for the systems or components used to mitigate the consequences of an accident. Use of ZIRLO™ fuel cladding does not adversely affect fuel performance or impact nuclear design methodology. Therefore, accident analysis results are not significantly impacted.

The operating limits will not be changed and the analysis methods to demonstrate operation within the limits will remain in accordance with NRC-approved methodologies. Other than the changes to the fuel assemblies cladding, there are no physical changes to the plant associated with this Technical Specification change. A safety analysis will continue to be performed for each specific reload cycle to demonstrate compliance with all fuel safety design bases.

The 10 CFR 50.46 criteria are applied to the ZIRLO™ clad fuel rods. The use of these fuel assemblies will not result in a change to the reload design and safety analysis limits. Since the original design criteria are met, the ZIRLO™ clad fuel rods will not be an initiator for any new accident. The clad material is similar in chemical composition and has similar physical and mechanical properties as Zircaloy-4. Thus, the cladding integrity is maintained and the structural integrity of the fuel assembly is not affected. ZIRLO™ cladding improves corrosion performance and dimensional stability. Since the dose predictions in the safety analyses are not sensitive to the fuel rod cladding material used, the radiological consequences of accidents previously evaluated in the safety analysis remain valid.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because:

The possibility for a new or different kind of accident from any accident previously evaluated is not created since the fuel assemblies containing ZIRLO™ clad fuel rods will satisfy the same design bases as that currently used for Zircaloy-4 clad fuel assemblies. All design and performance criteria will continue to be met and no new single failure mechanisms have been defined. In addition, the use of ZIRLO™ fuel assemblies does not involve any alterations to plant equipment or procedures which would introduce any new or unique operational mode or accident precursor. Therefore, the possibility for a new or different kind of accident from any accident previously evaluated is not created.

The proposed change does not involve a significant reduction in a margin of safety because:

The margin of safety is not significantly reduced since the ZIRLO™ clad fuel assemblies will not change the reload design and safety analysis limits. Their use will take into consideration the normal core operating conditions allowed for in the Technical Specifications. Each specific cycle's reload core will continue to be specifically evaluated using NRC approved reload design methods and approved fuel rod design models. This will include consideration of the core physics analysis peaking factor and core average linear heat rate effects.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: BurkeCounty Public Library, 412 Fourth Street, Waynesboro, Georgia 30830

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308

NRC Project Director: Herbert N. Berkow

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: June 17, 1996

Description of amendment request: The proposed amendments would clarify the requirement of Technical Specification Surveillance Requirement 4.8.1.1.2.j(2) that requires a pressure test of those portions of the diesel fuel-oil system that are designed to Section III, Subsection ND of the American Society of Mechanical Engineers (ASME) Code. The system pressure test would be performed at a pressure of 110% of the design pressure, at least once per 10 years and only on those sections of piping that are isolable.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed clarification of T/S [Technical Specification] 4.8.1.1.2.j(2) does not involve a significant hazards consideration because operation of [the Vogtle Electric Generating Plant] with this change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The configuration of the diesel fuel-oil system as currently installed and operated is such that a pressure test of 110% of design pressure would be impractical to perform. The system contains tanks designed for atmospheric pressure and isolation of them and their vent lines from the specified pressure test is not practical. The ASME Code, Section XI, provides alternate test methods to use when storage tanks are involved in a system pressure test. By clarifying this T/S requirement, the requirements set forth in ASME Section XI can be utilized as guidance for testing requirements to ensure the integrity of the diesel fuel-oil system to perform its intended safety function.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated. There are no design changes being made that would create a new type of accident or malfunction and the method and manner of plant operation remain unchanged. Using ASME Section XI as guidance for pressure testing the isolable sections of piping provides assurance that the fuel oil supply system will perform its intended function.

3. Involve a significant reduction in a margin of safety. There are no changes being made to the safety limits or safety system settings that would adversely impact plant safety. Utilizing ASME Section XI as guidance for determining those sections of piping that should be pressure-tested and atmospheric-tested will ensure proper operation of the diesel generator fuel oil supply system.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308

NRC Project Director: Herbert N. Berkow

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: April 10, 1996

Description of amendment request: The proposed changes bring the surveillance requirements to conformance with Amendment No. 196 issued September 19, 1995. Additionally, this request changes frequency notation for a group of surveillance requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards

consideration (SHC), which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence of the consequences of an accident previously evaluated.

The proposed amendment extends the interval between successive refueling interval surveillances to once every 24 months for those surveillances evaluated herein, and to make administrative changes serving to conform the Technical Specifications to Amendment No. 196. Except for the administrative changes, the proposed surveillance interval changes do not involve any change to the actual surveillance requirements, nor does it involve any change to the limits and restrictions on plant operations. The reliability of systems and components relied upon to prevent or mitigate the consequences of accidents previously evaluated is not degraded by the proposed change to the surveillance interval. Assurance of system and equipment availability is maintained. This change does not involve any change to system or equipment configuration. Therefore, this change does not increase the probability of occurrence or the consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment extends the interval between successive refueling interval surveillances to once every 24 months for those surveillances evaluated herein, and to make administrative changes serving to conform the Technical Specifications to Amendment No. 196. Except for the administrative changes the proposed surveillance interval changes do not involve any change to the limits and restrictions in plant operation. This change does not involve any change to system or equipment configuration. Therefore, this change is unrelated to the possibility of creating a new or different kind of accident from any previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The proposed amendment extends the interval between successive refueling interval surveillances to once every 24 months for the surveillances evaluated herein, and to make administrative changes serving to conform the Technical Specifications to Amendment No. 196. Except for the administrative changes the proposed surveillance interval changes do not involve any change to the actual surveillance requirements, nor does it involve any change to the limits and restrictions on plant operation. The reliability of systems and components is not degraded by the proposed change to the surveillance interval. Assurance of system and equipment availability is maintained. Therefore, it is concluded that operation of the facility in accordance with the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Law/Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company (NNECO), Docket No. 50-245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of amendment request: May 2, 1996

Description of amendment request: The proposed change would remove Technical Specification Figure 5.1, which is used in maintaining K_{eff} values, and substitute in its place a defined requirement for maximum K-infinity for any fuel placed in the Millstone Unit 1 spent fuel pool.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Pursuant to 10CFR50.92, NNECO [Northeast Nuclear Energy Company] has reviewed the proposed change and concludes that the change does not involve a significant hazards consideration (SHC) since the proposed change satisfies the criteria in 10CFR50.92(c). That is, the proposed change does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

There are no spent fuel pool accident conditions discussed in Chapter 15 of the FSAR [Final Safety Analysis Report]. FSAR section 15.8 discusses a fuel handling accident which drops a fuel assembly into the core during refueling. Changing the maximum allowed fuel reactivity or allowing gaps in the Boraflex

panels will have no effect on the probability or consequences of a fuel assembly drop onto the core.

Therefore, based on the above, the proposed change to the Technical Specifications does not involve a significant increase in the probability or consequences of any previously analyzed accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The reduction in the allowable fuel reactivity in the SFP [spent fuel pool] is conservative and does not create the possibility of a new or different type of accident. Allowing boraflex gaps does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The margin to safety, for this proposed technical specification change, is to maintain the SFP K_{eff} to be less than or equal to 0.90. As described in the HOLTEC analysis, gaps in the Boraflex of up to 5 inches can exist in every boraflex panel of every rack with Boraflex in the SFP, with K_{eff} still less than 0.90. This is true even if all of the gaps are uniformly lined up at the same elevation. These calculations conservatively assumed 4% Boraflex width shrinkage as well as the axial Boraflex gaps. Older fuel designs were also considered to ensure that they had not become limiting with the reduced allowable K-infinity limit of 1.24. With no boraflex gaps, the maximum K_{eff} is less than .844. With 5 inch Boraflex gaps in every panel at the same elevation, the maximum K_{eff} is 0.896, which is less than 0.90. NNECO has implemented a 1 year decay time requirement to minimize gamma irradiation damage to the Boraflex, and will continue to measure via ''blackness testing'' the actual gap size to ensure the margin of safety in maintained.

Therefore, this change has no impact on the margin to safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, CT 06385

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141-0270

NRC Project Director: Phillip F. McKee

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: March 29, 1996

Description of amendment request: The proposed amendment would add limits associated with Departure from Nucleate Boiling (DNB) to the Indian Point 3 (IP3) Technical Specifications.

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the criteria of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously analyzed?

Response:

The proposed amendment makes no changes to the way in which the plant is operated and has no effect on accident initiators associated with analyzed transients. The probability of previously analyzed accidents is not increased. The proposed amendment clarifies the relationship between measurable parameters (RCS [reactor coolant system] temperature, pressure, and flow rate) and the resulting heat transfer regime in the reactor core, as characterized by the Departure from Nucleate Boiling (DNB) ratio. This clarification ensures that safety analysis initial conditions regarding heat transfer remain valid, so that the consequences of previously analyzed accidents are not increased. The changes ensure that RCS pressure, temperature, and flow are within analytical bounds. This ensures that the plant is operated in a manner that will not increase the probabilities of previously analyzed accidents nor the consequences of previously analyzed accidents.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The proposed amendment does not involve any modifications to plant systems, structures, or components. The proposed change clarifies existing limits on RCS parameters and makes no changes to plant setpoints or operating limits. The amendment does not involve any physical mechanism which could contribute to a new or different kind of accident. The changes ensure that RCS pressure, temperature, and flow are within analytical bounds. This ensures that the plant is operated in a manner that will not create the possibility of a new [or] different kind of accident from any previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed amendment clarifies existing limits on the measurable parameters (RCS temperature, pressure, and flow rate) so that the resulting DNB value is consistent with initial condition assumptions used in existing safety analyses. Maintaining these limits during normal plant operation ensures that the existing margins of safety remain valid. The proposed amendment does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Jocelyn A. Mitchell, Acting

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: June 18, 1996

Description of amendment request: The proposed amendment would change Technical Specification (TS) 5.2.2, ''Design Pressure and Temperature,'' by adding design parameters for Main Steam Line Break (MSLB). The MSLB analysis results in a higher containment air temperature than the current value in TS 5.2.2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The accidents considered for this change are the Loss of Coolant Accident (LOCA) and the Main Steam Line Break (MSLB). The proposed change ensures the design limiting containment pressure and temperature data specified in the TS is consistent with the [Updated Final Safety Analysis Report] UFSAR. Since no physical changes to the containment are being made there will be no change in the probability of either accident occurring.

Detailed structural analysis presented in Supplement 1 of Licensee Event Report (LER) 272/95-016 shows that the Design Basis LOCA combination of pressure and temperature result in more severe loading for the containment concrete structure and, therefore, bounds the temperature and pressure scenario associated with a MSLB accident. The pressure retaining capability of the liner is governed by the loads generated in the MSLB. Since containment leakage is maintained within the limits assumed in the Accident Analysis for either scenario there is no change in the consequences of either accident.

Therefore the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes proposed affect the post-accident condition of the containment, and have no impact on the pre-accident condition. Since there is no physical change proposed the containment and all systems in the containment will continue to perform as designed. With no physical changes being proposed and no change to the pre-accident condition of the containment it can be concluded that there will be no change in the probability of a new or different accident being created.

Therefore the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Although calculations indicate that some yielding of the liner plate could occur during a MSLB, loading is transferred to the containment concrete structure and leakage from the containment is maintained within the limits assumed in the Accident Analysis. Since containment leakage is maintained within the limits assumed in the Accident Analysis the proposed change does not involve a significant change the margin of safety provided by the containment for the MSLB.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, NJ 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW, Washington, DC 20005-3502

NRC Project Director: John F. Stolz

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: June 7, 1996 (TSC 95-19)

Description of amendment request: The proposed change would revise Section 6 of the plant Technical Specifications to be more closely aligned with the Revised Standard Technical Specifications for Westinghouse-designed nuclear plants (NUREG-1431). Additionally, the proposed changes would be consistent with the guidance provided in Administrative Letter 95-06, ''Relocation of Technical Specification Administrative Controls Related to Quality Assurance.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the

licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA [Tennessee Valley Authority] has concluded that operation of SQN [Sequoyah Nuclear Plant] Units 1 and 2 in accordance with the proposed changes to the TS [Technical Specification] does not involve a significant hazards consideration. TVA's conclusion is based on its evaluation, in accordance with 10 CFR 50.91(a)(1), of the three standards set forth in 10 CFR 50.92(c).

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS change is administrative. TVA has evaluated the proposed TS changes and has determined that the proposed changes are administrative in nature. Certain sections are being relocated into other licensee documents for which those provisions are adequately controlled by regulatory requirements. These changes do not affect any of the design basis accidents. They do not involve an increase in the probability or consequences of an accident previously evaluated.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed TS change is administrative. TVA has evaluated the proposed TS changes and has determined that the proposed changes are administrative in nature. Certain sections are being relocated into other licensee documents for which those provisions are adequately controlled by regulatory requirements. These changes do not affect any of the design-basis accidents. No modifications to any plant equipment are involved. There are no effects on system interactions made by these changes. They do not create the possibility of a new or different kind of accident from an accident previously evaluated.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

The proposed TS change is administrative. TVA has evaluated the proposed TS changes and has determined that the proposed changes are administrative in nature. Certain sections are being relocated into other licensee documents for which those provisions are adequately controlled by regulatory requirements. The margin of safety as reported in the basis for the TSs is not reduced. The proposed change is administrative and does not impact any technical information contained in the bases of the TS.

The NRC has reviewed the licensee's analysis and, based on thisreview, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902

NRC Project Director: Frederick J. Hebdon

Previously Published Notices Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the Federal Register on the day and page cited. This notice does not extend the notice period of the original notice.

North Atlantic Energy Service Company, Docket No. 50-443, Seabrook Plant Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: June 20, 1996

Description of amendment request: The proposed amendment would increase the allowed time for an inoperable service water cooling tower loop electrical supply to be the same as the allowed outage time for an operable service water cooling tower loop.

Date of publication of individual notice in Federal Register: June 26, 1996 (61 FR 33142)

Expiration date of individual notice: July 26, 1996

Local Public Document Room location: Exeter Public Library, Founders Park, Exeter, New Hampshire

Northeast Utilities Service Company, Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: June 3, 1996

Description of amendment request: The proposed amendments would provide a one-time change to Technical Specification 3.9.1, ''Refueling Operations, Boron Concentration.'' This change would remove the requirement that the boron concentration in all filled portions of the Reactor Coolant System be ''uniform'' and would only be applicable during Millstone 2 Cycle 13 mid-cycle core offload.

Date of publication of individual notice in Federal Register: June 12, 1996 (61 FR 29771)

Expiration date of individual notice: July 12, 1996

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: May 23, 1996

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) for the Overtemperature delta T time constants in TS Table 2.2-1 and the Steam Line Pressure Negative Rate High Steam Line Isolation time constant in TS Table 3.3-4. Date of publication of individual notice in Federal Register: June 17, 1996 (61 FR 30639)

Expiration date of individual notice: July 17, 1997

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: June 10, 1996

Brief description of amendment request: The amendment proposes changes to Technical Specification 3/4.7.6, ''Control Room Emergency Air Conditioning System,'' to reflect a control room design in which the common Salem Unit 1 and 2 control room envelope is supplied by 2 one hundred percent capable Control Room Emergency Air Conditioning System trains. Date of publication of individual notice in Federal Register: June 24, 1996 (61 FR 32468)

Expiration date of individual notice: July 24, 1996

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, NJ 08079

Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: June 24, 1996

Description of amendment request: The proposed amendments would revise Technical Specification Table 4.3.1 to delete the requirement for surveillance of the manual safety injection to the reactor trip circuitry until the next unit shutdown, following which, this testing will be performed prior to Mode 2 entry. This change is applicable only to Unit 1, Cycle 14 and Unit 2, Cycle 11. Date of publication of individual notice in Federal Register: July 3, 1996 (61 FR 34880)

Expiration date of individual notice: August 2, 1996

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, P. O. Box 1369, Dothan, Alabama

Notice Of Issuance Of Amendments To Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the Federal Register as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: September 16, 1994, as supplemented January 31, 1996.

Brief description of amendments: The amendments revise the technical specifications to eliminate periodic response time testing requirements for selected pressure and differential pressure sensors in the reactor trip system and engineered safety features actuation instrumentation channels.

Date of issuance: June 26, 1996

Effective date: Immediately, to be implemented within 30 days.

Amendment Nos.: 84, 84, 76 and 76

Facility Operating License Nos. NPF-37, NPF-66, NPF-72 and NPF-77: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: March 13, 1996 (61 FR 10393). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 26, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: For Byron, the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Commonwealth Edison Company, Docket Nos. 50-237 and 50-249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: November 14, 1995, as supplemented by letters dated February 23, March 1, March 13, March 25, March 26, May 10, June 10, June 14, two letters dated June 25 and a letter dated June 26, 1996.

Brief description of amendments: The proposed amendments closed out additional open items identified in the NRC staff's review of the upgrade of the Dresden and Quad Cities Technical Specifications (TS) to the Standard Technical Specifications (STS) contained in NUREG-0123. The Technical Specification Upgrade Program (TSUP) is not a complete adaptation of the STS. The TS upgrade focuses on (1) integrating additional information such as equipment operability requirements during shutdown conditions, (2) clarifying requirements such as limiting conditions for operation and action statements utilizing STS terminology, (3) deleting superseded requirements and modifications to the TS based on the licensee's responses to Generic Letter (GL), and (4) relocating specific items to more appropriate TS locations.

Date of issuance: June 28, 1996

Effective date: June 28, 1996

Amendment Nos.: 150, 145, 171, and 167

Facility Operating License Nos. DPR-19, DPR-25, DPR-29 and DPR-30. The amendments revised the Technical Specifications and operating licenses.

Date of initial notice in Federal Register: November 29, 1995 (60 FR 61272) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 28, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: for Dresden, Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450; for Quad Cities, Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of application for amendment: November 22, 1995 (NRC-95-0124)

Brief description of amendment: The amendment revises the Technical Specifications to remove accelerated testing frequencies and special reporting requirements for Fermi 2 emergency diesel generators (EDGs) in accordance with guidance contained in Generic Letter 94-01, dated May 31, 1994. NRC will issue a separate safety evaluation on extending the allowed outage time for the EDGs at a later date.

Date of issuance: June 20, 1996

Effective date: June 20, 1996, with full implementation within 60 days

Amendment No.: 107

Facility Operating License No. NPF-43. Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: February 28, 1996 (61 FR 7550) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated

June 20, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: December 12, 1995, as supplemented by letter dated June 10, 1996

Description of amendment request: The amendments revise the absolute values in the Axial Flux Difference (AFD) Equations to reflect the proper AFD limit reduction in the current Technical Specifications.

Date of issuance: July 2, 1996

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 167 and 149

Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: April 24, 1996 (61 FR 18166) The June 10, 1996, letter provided clarifying information that did not change the scope of the December 12, 1995, application and the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 2, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Entergy Operations, Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: August 11, 1995, as supplemented by letter dated February 12, 1996

Brief description of amendment: The amendment reduced the minimum reactor coolant cold leg temperature to 541 °F from 544 °F in Technical Specification Section 3.2.6, ''Reactor Coolant Cold Leg Temperature.''

Date of issuance: June 24, 1996

Effective date: June 24, 1996

Amendment No.: 120

Facility Operating License No. NPF-38. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: June 5, 1996 (61 FR 25706) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 24, 1996. No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, LA 70122.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: March 20, 1996, as supplemented by letter date April 23, 1996.

Brief description of amendments: These amendments relocate the requirements for surveillance testing of the water level and pressure channel instrumentation for the reactor coolant system accumulators. These amendments also modify the existing action statements of TS 3.5.1 for accumulators to reflect the requirements of NUREG-1431 by requiring a 72- hour period to restore boron concentration if it is not within the limits, and a 1-hour period to restore any other condition rendering the accumulators inoperable.

Date of issuance: June 24, 1996

Effective date: June 24, 1996

Amendment Nos. 185 and 179Facility Operating Licenses Nos. DPR-31 and DPR-41: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: May 22, 1996 (61 FR 25707) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 24, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Florida International University, University Park, Miami, Florida 33199.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: February 21, 1996, as supplemented by letters dated May 1 and June 4, 1996.

Brief description of amendments: The amendments revise the Technical Specifications to change the Drywell Air Temperature Limiting Condition for Operation (LCO) from less than or equal to 135°F to less than or equal to 150°F. The proposed change would provide a margin for the primary containment Drywell Air Temperature LCO when prolonged summer and high river temperatures are experienced. Also, a strictly editorial correction to a Final Safety Analysis Report reference would be made.

Date of issuance: 201 and 142

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 201 and 142

Facility Operating License Nos. DPR-57 and NPF-5: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: April 24, 1996 (61 FR 18167) The May 1 and June 4, 1996, letters provided clarifying information that did not change the scope of the February 21, 1996, application and the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 27, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendments: May 19, 1995, and supplemented October 20, 1995, and April 8, 1996 (AEP:NRC:1213A)

Brief description of amendments: The amendments modify the neutron flux high setpoints for one or more main steam safety valves inoperable in response to Westinghouse Nuclear Safety Advisory Letter 94-001. The associated action statements are also revised and an exemption to TS 4.0.4 is added to support the operability surveillance.

Date of issuance: June 28, 1996

Effective date: June 28, 1996, with full implementation within 45 days.

Amendment Nos.: Unit 1 - 210, Unit 2 - 195

Facility Operating License Nos. DPR-58 and DPR-74. Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: December 20, 1995 (60 FR 65681) The April 8, 1996, submittal provided information clarifying the location of the TS 4.0.4 exemption statement. This information was within the scope of the original application and did not alter the staff's no significant hazards considerations determination. Therefore renoticing was not warranted. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 28, 1996. No significant hazards consideration comments received: No.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Oswego County, New York

Date of application for amendment: January 17, 1996

Brief description of amendment: The amendment revises the Technical Specifications (TSs) and associated Bases by relocating certain response time limit tables from the TSs to the Updated Safety Analysis Report in accordance with the guidance of NRC Generic Letter 93-08. The relocated tables are for instrumentation for the Reactor Protection System, Isolation Actuation System, Emergency Core Cooling System, and the Recirculation Pump Trip System.

Date of issuance: June 25, 1996

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 73

Facility Operating License No. NPF-69: Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: May 8, 1996 (61 FR 20850) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 25, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: December 18, 1995

Brief description of amendment: The amendment changes the Reactor Coolant Flow - Low Flow in Technical Specification Table 2.2-1, ''Reactor Instrumentation Protective Trip Setpoint Limits.'' The proposed change increases the allowable value from greater than or equal to 90.1% to greater than or equal to 90.9% of the reactor coolant flow with four pumps operating. As an editorial change for clarification, the word ''flow'' is added after ''reactor coolant'' in the above sentence.

Date of issuance: July 2, 1996

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment No.: 199

Facility Operating License No. DPR-65: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: February 14, 1996 (61 FR 5815) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 2, 1996. No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, CT 06385

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: June 27, 1995, as supplemented July 21, 1995

Brief description of amendment: The amendment revises the Technical Specifications (TS) to relocate TS requirements for the containment purge exhaust and supply valves, and to remove a duplicate testing requirement for the safety injection input from engineered safety features from the TS.

Date of issuance: June 27, 1996

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment No.: 129

Facility Operating License No. NPF-49. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 6, 1995 (60 FR 62494) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 27, 1996. No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, CT 06385

Pennsylvania Power and Light Company, Docket No. 50-387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: January 26, 1996

Brief description of amendment: The amendment deletes three residual heat removal (RHR) system relief valves from Technical Specification (TS) Table 3.6.3-1, ''Primary Containment Isolation Valves.'' These valves are no longer needed to support the steam condensing mode of RHR and are being removed from the plant during the Unit 1 ninth refueling outage.

Date of issuance: June 24, 1996

Effective date: As of date of issuance to be implemented within 60 days.

Amendment No.: 157

Facility Operating License No. NPF-14: This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: March 27, 1996 (61 FR 13531) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 24, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: February 29, 1996

Brief description of amendments: These amendments relocate Specification 3/4.9.6, ''Refueling Platform,'' to the Susquehanna Steam Electric Station Technical Requirements Manual, a document which is controlled under the requirements of 10 CFR 50.59.

Date of issuance: July 2, 1996

Effective date: July 2, 1996

Amendment Nos.: 158 and 129

Facility Operating License Nos. NPF-14 and NPF-22. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: April 10, 1996 (61 FR 15992) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 2, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of application for amendment: March 12, 1996

Brief description of amendment: The proposed changes would remove a requirement to cross tie safety injection accumulators.

Date of issuance: July 3, 1996

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 167

Facility Operating License No. DPR-64: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: May 8, 1996 (61 FR 20853) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 3, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: April 24, 1996

Brief description of amendment: The amendment proposes to relocate Specification 3.11.B/4.11.B ''Crescent Area Ventilation'' and associated Bases from the TS to an Authority controlled procedure.

Date of issuance: June 28, 1996

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 231

Facility Operating License No. DPR-59: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: May 22, 1996 (61 FR 25710) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 28, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: February 6, 1996

Brief description of amendments: The amendments change the Technical Specifications to lower the 125 Volt Battery Charger surveillance amperage from at least 200 amps to at least 170 amps.

Date of issuance: June 27, 1996

Effective date: As of date of issuance, to be implemented within 30 days.

Amendment Nos. 183 and 164

Facility Operating License Nos. DPR-70 and DPR-75. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: February 28, 1996 (61 FR 7556) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 27, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: June 26, 1995, as supplemented by letter dated February 2, 1996.

Brief description of amendment: The amendment revised the allowed outage time for component cooling water motor operated containment isolation valves, moved the list of containment isolation valves from the technical specifications to the final safety analysis report, and allowed containment penetration check valves to be used as isolation devices.

Date of issuance: June 28, 1996

Effective date: June 28, 1996, to be implemented within 30 days of the date of issuance.

Amendment No.: 113

Facility Operating License No. NPF-30: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 30, 1995 (60 FR 45187) The February 2, 1996, supplemental letter provided additional clarifying information and did not change the staff's original no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 28, 1996. No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Dated at Rockville, Maryland, this 10th day of July 1996.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation.

[Doc. 96–18007 Filed 7–16–96; 8:45 am]

BILLING CODE 7590–01–F

[Docket No. 55–21849–OT; ASLBP No. 96–716–01–OT]

Emerick S. McDaniel; Notice of Reconstitution of Board

Pursuant to the authority contained in 10 CFR § 2.721, the Presiding Officer for Emerick S. McDaniel, with the above-identified Docket Number, is hereby reconstituted by appointing Administrative Judge Peter B. Bloch as Presiding Officer in place of Chief Administrative Judge B. Paul Cotter, Jr. who is unavailable to serve. Administrative Judge Peter A. Morris will continue to assist the Presiding Officer in taking evidence and preparing the record.

All correspondence, documents and other material shall be filed with Judge Bloch and Judge Morris in accordance with 10 CFR § 2.701 (1980). Their addresses are:

Administrative Judge Peter B. Bloch, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Administrative Judge Peter A. Morris, 10825 South Glen Road, Potomac, MD 20854

Issued at Rockville, Maryland, this 11th day of July 1996.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 96–18136 Filed 7–16–96; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 37420; File No. SR–MBSCC–96–03]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Proposed Rule Change Relating to Eliminating the Monthly Audit Package Requirements

July 11, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on June 18, 1996, the MBS Clearing Corporation (''MBSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by MBSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

MBSCC proposes to modify its rules and procedures to eliminate the requirement that it provide a monthly audit package to each participant and the requirement that such participant review and respond to the package.

[1] 15 U.S.C. § 78s(b)(1) (1988).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MBSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MBSCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.[2]

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

MBSCC proposes to modify its rules and procedures to eliminate the requirement that it provide a monthly audit package to each participant and the requirement that such participant review and respond to the package. MBSCC currently provides each participant with the participant's Open Commitment Report on a daily basis pursuant to its rules. Participants have a duty under the rules to review each report for errors and discrepancies and to report any error or discrepancy to MBSCC. MBSCC's rules and source book also require MBSCC to send each participant a monthly audit package which consists of a copy of the participant's Open Commitment Report dated the last business day of the previous month and an Audit Exception Reporting Form which must be completed by each participant and returned to MBSCC whether or not any exceptions are found.

Participants are obligated to review daily Open Commitment Reports and will continue to be so required. By eliminating the monthly audit package and the participants' requirement to review it, the administrative and economic burdens on participants' resources due to the duplicative nature of the requirements will be eliminated without any substantive effect.

In connection with this proposed rule change, MBSCC will eliminate the late audit confirmation penalties from its schedule of penalty fees.

MBSCC believes the proposed rule change is consistent with its obligations under Section 17A of the Act because by eliminating the monthly audit package and the participants' requirement to review it, MBSCC will facilitate the prompt and accurate clearance and settlement of securities transactions.

[2] The Commission has modified the text of the summaries prepared by MBSCC.

B. Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change have not yet been solicited or received. Members will be notified of the rule filing, and comments will be solicited by an important notice. MBSCC will notify the Commission of any written comments received by MBSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBSCC. All submissions should refer to File No. SR–MBSCC–96–03 and should be submitted by August 7, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18082 Filed 7–16–96; 8:45 am]

BILLING CODE 8010–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Bangladesh

July 12, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 15, 1996.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act

The current limits for certain categories are being increased by recrediting unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 65290, published on December 19, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the

[3] 17 CFR 200.30–3(a)(12) (1995).

implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 12, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 13, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on July 15, 1996, you are directed to increase the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
237	407,537 dozen.
334	118,823 dozen.
335	223,235 dozen.
336/636	388,516 dozen.
645/646	344,655 dozen.
847	626,208 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.96–18121 Filed 7–16–96; 8:45 am]

BILLING CODE 3510–DR–F

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–62]

Termination of Increased Duties on Certain Products of the European Community

AGENCY: Office of the United States Trade Representative.

ACTION: Terminiation of increased duties on certain products of the European Community.

SUMMARY: Pursuant to authority delegated by the President to the United States Trade Representative in Proclamation No. 5759 of December 24, 1987, the Acting U.S. Trade Representative (USTR) hereby terminates application of increased duties on imports of certain products of the European Community as proclaimed in Proclamation No. 5759 and as subsequently modified. (See 53 FR 53115; 54 FR 6630; 54 FR 31398; 54 FR 50673; 55 FR 23076; and Proclamation 6763 of December 23, 1994 (60 FR 1007)).

EFFECTIVE DATE: The termination of increased duties is effective with respect to articles entered, or withdrawn from warehouse for consumption on or after 12:01 a.m. July 15, 1996.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Len Condon, Deputy Assistant USTR for Agriculture (202) 395–9564 or Catherine Field, Senior Counsel for Multilateral Affairs (202) 395–3432.

SUPPLEMENTARY INFORMATION: On December 24, 1987, the President determined, pursuant to section 301(a) of the Trade Act of 1974, as amended, (Trade Act), that the ''Council Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action'' (the Directive), adopted by the European Community (EC) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, a trade agreement; or is unjustifiable or unreasonable and constitutes a burden or restriction on United States commerce. (52 FR 49131). The President also determined, pursuant to subsections 301 (a), (b), and (d)(1) of the Trade Act to increase duties on certain products of the EC.

In his statement of reasons, the President noted that implementation of the Directive would prohibit imports into the EC of any meat produced from animals treated with growth hormones, thereby severely disrupting exports of U.S. meat to the EC. Such a prohibition is not supported by valid scientific evidence. The President concluded that, ''the United States considers that the imposition of import restrictions under the Directive constitutes a disguised restriction on international trade.'' (52 FR 49139).

The President also cited U.S. efforts to resolve this dispute within the framework of the Agreement on Technical Barriers to Trade of the General Agreement on Tariffs and Trade (GATT 1947). He also noted that the EC had blocked these multilateral efforts to resolve the dispute and stated his expectations that the EC would allow appropriate dispute settlement procedures to proceed expeditiously. (52 FR 49140). In Proclamation No. 5759, the President suspended the application of the increased duties and authorized the USTR to ''suspend, modify, terminate, or terminate the suspension of the increased duties imposed by this Proclamation, upon publication in the Federal Register, of his determination that such action is in the interest of the United States. (52 FR 49131).

The USTR subsequently determined to impose increased duties on certain products of the EC when the EC began implementing the Directive against imports from the United States and partially terminated suspension of the increased duties imposed by Proclamation No. 5759. (53 FR 53115). Between January 1989, when the increased duties were first imposed, and December 1994, when application of duties was extended to Austria, Finland, and Sweden when these countries became EC member states, application of the duties was modified five times.

On May 20, 1996, based on a request from the United States, the Dispute Settlement Body (DSB) of the World Trade Organization (WTO) established a dispute settlement panel to examine whether the Directive is consistent with the EC and its member states obligations under various WTO Agreements. (61 FR 33149).

As the United States not has effective multilateral procedures to address the matter of the EC's restrictions on imports of U.S. meat under the Directive, I have determined that it is in the interest of the United States to terminate the increased duties proclaimed in Proclamation No. 5759 and applied pursuant to the authority delegate to the USTR in Proclamation No. 5759.

Charlene Barshefsky,

Acting U.S. Trade Representative.

[FR Doc. 96–18122 Filed 7–15–96; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

Reports, Forms and Recordkeeping Requirements

AGENCY: Department of Transportation (DOT), United States Coast Guard.

ACTION: Notice and request for comments.

SUMMARY: This notice lists those reports, forms, and recordkeeping requirements imposed upon the public which were

transmitted by the Department of Transportation to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 USC Chapter 35). In accordance with the Paperwork Reduction Act of 1995, the United States Coast Guard invites comments on certain information collections for which the USCG intends to request approval from the Office of Management and Budget.

DATES: Interested parties are invited to submit comments on or before August 12, 1996.

ADDRESSES: Written comments on the DOT information collection requests should be forwarded, as quickly as possible, to Office of Management and Budget, New Executive Office Building, ATTN: DOT/USCG Desk Officer, Room 10202, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, 2100 Second Street, SW; G–SII; Washington, D.C. 20593, Telephone number (202) 267–2326.

SUPPLEMENTARY INFORMATION: Office of Management and Budget (OMB) regulations (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that USCG is submitting to OMB for extension or reinstatement, as appropriate. These ICRs are: Collection of Marine Casualty Information (Forms CG–2692/2692A), Chemical Drug and Alcohol Testing Information (Form CG–2692B), and Management Information System Reports [ICR No. 2115–0003], Application and Permit to Handle Hazardous Materials [ICR No. 2115–0013], Welding and Hot Work Permit [2115–0054], and Plan Review for Facilities With Vapor Control System [ICR No. 2115–0581]. USCG has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since the information collection were last approved. USCG will request a three-year term of approval for each information collection activity. The following information is provided for each information collection: (1) Title of information collection; (2) OMB Control Number; (3) Affected Entities, (4) Abstract of the information collection activity, including the need for and use of the collection; and (5) Estimate of total annual reporting.

Title: Collection of Marine Casualty Information (Forms CG–2692/2692A), Chemical Drug and Alcohol Testing Information (Form CG–2692B), and Management Information System Reports.

OMB No: 2115–0003.

Affected Entities: Commercial Marine Industry.

Abstract: Marine casualty information is necessary for informing Coast Guard of commercial vessel casualties involving death, vessel damage, etc., as mandated by Congress. Chemical retesting information is necessary to improve Coast Guard detection/reduction of drug use by mariners. Relative test result information must be sent to Coast Guard to evaluate program effectiveness.

Under Title 46 U.S.C. 7503, Coast Guard has authority to deny the issuance of licenses, certificates of registry and merchant Mariner's documents to users of dangerous drugs. Coast Guard will use this information to: (a) Determine if certain applicants are qualified to be issued seaman's papers, (b) initiate administrative action against a commercial mariner's right to continue holding seaman's papers, initiate civil or criminal penalty action when an individual has been found to be operating a vessel while intoxicated, and (d) to asses the impact of drug or alcohol use in serious marine accidents.

Burden Estimate: The current total annual respondent burden estimate is 33,878 hours. The average burden hour per response is 54 minutes reporting and 24 minutes recordkeeping.

Title: Application and Permit to Handle Hazardous Materials.

OMB No: 2115–0013.

Affected Entities: Shipping agents and terminal operators.

Abstract: This requirement ensures the safe handling of explosives and other hazardous materials in port areas and on board vessels. Shipping agents and terminal operators who handle the above commodities must comply. This information is a requirement stated under the Ports and Waterways Safety Act, 33 U.S.C. 1225, the Coast Guard has authority to establish procedures and standards for handling of hazardous material on vessels and waterfront facilities. This information will be used to determine if safe practices are being followed in the stowage and handling of explosives and hazardous materials.

Burden Estimate: The current total annual respondent burden estimate is 814 hours. The average burden hour per response is 1 hour reporting.

Title: Welding and Hot Work Permit.

OMB No: 2115–0054.

Affected Entities: Owners/operators of vessels and waterfront facilities.

Abstract: This information is used by the Coast Guard to ensure compliance with safety regulations. This allows the use of welding or other ''hot-work'' equipment on a designated waterfront facility.

Under Title 33 CFR 126.15(c), 33 CFR 127.617, 33 CFR 154.735(k)(1) and 49 CFR 176, Coast Guard has the authority to grant waterfront facilities and vessels permits to conduct Hot Works and welding activities.

Coast Guard proposed use of this information is to ensure that waterfront facilities and vessels are in compliance with safety standards.

Burden Estimate: The current total annual respondent burden estimate is 2,190 hours. The average burden hour per response is 5 minutes reporting.

Title: Plan Review for Facilities With Vapor Control Systems.

OMB No: 2115–0581.

Affected Entities: Owners/operators of vessels and facilities with vapor control systems.

Abstract: This information is used by the Coast Guard to ensure compliance with safety regulations. The regulations that require this reporting requirement establish safety requirements for marine vapor control systems, and require plans of a facility's vapor control systems to be reviewed by a Coast Guard accepted certifying entity to ensure compliance with the regulations. The regulations also establish procedures for applying to become a certifying entity.

The Coast Guard proposed use of this information is to ensure that facility's that have vapor control systems are in compliance with applicable regulations.

Burden Estimate: The current total annual respondent burden estimate is 1,390 hours. The average burden hour per response is 9 hours reporting.

Issued in Washington, D.C. on May 11, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–18117 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–62–P

[CGD 96–033]

Chemical Transportation Advisory Committee; Subcommittee on Prevention Through People Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Prevention Through People (PTP) Subcommittee of the Chemical Transportation Advisory

Committee (CTAC) will meet to continue discussions to assist the marine chemical transportation community in developing actions which minimize accidents and injuries through application of PTP principles. The meeting is open to the public.

DATES: The meeting of the PTP Subcommittee will be held on Thursday, July 25, 1996, from 9:30 a.m. to 3 p.m. Written material and requests to make oral presentations should reach the Coast Guard on or before July 21, 1996.

ADDRESSES: The meeting of the PTP Subcommittee will be held in the training room at Marine Safety Office Houston-Galveston, 9640 Clinton Drive, Houston, TX 77029. For directions to MSO Houston-Galveston, please contact Lieutenant Rick J. Raksnis, Commandant (G–MSO–3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Mr. Calvin A. Bancroft, Ocean Shipholdings, Inc., 16211 Park Ten Place, Houston, TX 77084; telephone (713) 579–3900, fax (713) 579–3329 or Lieutenant Rick J. Raksnis, Commandant (G–MSO–3), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; telephone (202) 267–0084, fax (202) 267–4570.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda includes the following:

(1) Review ''draft'' accident investigation form (CG 2692) which provides a more detailed root cause analysis for marine accidents. The Subcommittee plans to propose recommended changes to CG 2692 to better assist industry in completing this form while meeting the needs of the Coast Guard.

(2) Review sample ship/shore safety checklists to better define the role of human factors during pre-evolution and post-evolution conferences. The Subcommittee will consider methods for improved communications during cargo loading operations to better protect marine personnel and the environment.

Procedural

This meeting is open to the public. At the Subcommittee Chairperson's discretion, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations at the meeting should notify Mr. Bancroft no later than July 21, 1996. Written material for distribution at the meeting should reach the Coast Guard no later than July 21, 1996. If a person submitting material would like a copy distributed to each member of the subcommittee in advance of the meeting, that person should submit ten copies, to Mr. Bancroft no later than July 19, 1996.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meeting, contact Lieutenant Raksnis as soon as possible.

Dated: July 12, 1996.

George F. Wright,

Acting, Director of Standards Marine Safety and Environmental Protection.

[FR Doc. 96–18141 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–14–M

[CGD 96–032]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Towing Safety Advisory Committee (TSAC) and its working groups will meet to discuss various issues relating to shallow-draft inland and coastal waterway navigation and towing safety. The agenda will include working group reports and discussion of various Coast Guard programs such as Prevention Through People and Regulatory Reform. The meetings will be open to the public.

DATES: The working group meetings will be held on Tuesday, August 13, 1996, from 9 a.m. to 4 p.m. The Committee meeting will be held on Wednesday, August 14, 1996, from 9 a.m. to 1 p.m. Written material must be received not later than August 2, 1996.

ADDRESSES: The TSAC working groups and Committee will meet in Room 2415 at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Assistant Executive Director, LTJG Patrick J. DeShon, U.S. Coast Guard (G–MSE–1), 2100 Second Street, SW., Washington, DC 20593–0001, telephone (202) 267–2997.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 21 *et seq.* The agenda for the Committee meeting includes the following:

Work Groups

(1) Prevention Through People;

(2) Licensing and STCW implementation;

(3) Regulatory Reform in the towing industry;

(4) Adequacy of tug/barge navigation lights; and

New Issues

(1) Barge retrieval and anchoring systems;

(2) Fire suppression systems for towing vessels;

(3) Structural soundness and loading practices;

(4) QAT report on casualty investigation and reporting;

(5) AWO/CG QAT report on towing vessel crew fatalities.

With advance notice, and at the discretion of the Chair, members of the public may present oral statements during the meeting. Persons wishing to make oral presentations should notify the person listed under **FOR FURTHER INFORMATION CONTACT** not later than August 2, 1996. Written materials may be submitted for presentation to the Committee any time; however, to ensure distribution to each Committee member, 45 copies of the written material should be submitted by August 2, 1996.

Dated: July 10, 1996.

George F. Wright,

Acting Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 96–18111 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Notice of Intent to Request Renewal From the Office of Management and Budget (OMB) of Current Public Collections of Information

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Renew I Currently Approved Public Information Collection Activity.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the FAA invites the public comment on I currently approved public information collections being submitted to OMB for renewal.

DATES: Comments must be received on or before September 16, 1996.

ADDRESSES: Comment on any of this collection may be mailed or delivered in duplicate to the FAA at the following address: Ms. Judith Street, Federal

Aviation Administration, Corporate Information Division, ABC–100, 800 Independence Ave., SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Street at the above address or on (202) 267–9895.

SUPPLEMENTARY INFORMATION: The FAA solicits comments on any of the current collections of information in order to: Evaluate the necessity of the collection; the accuracy of the agency's estimate of the burden; the quality, utility, and clarity of the information to be collected; and possible ways to minimize the burden of collection.

Following is a short synopsis of the 1 currently approved public information collection activity which will be submitted to OMB for review and approval.

1.2120–0576, Kansas City Customer Satisfaction Questionnaire. The respondents are 100 general aviation pilots, air taxi operators, airlines, military pilots, and adjacent facilities. The estimated total annual burden is 25 hours. Abstract: The information collected on this form represents customer feedback concerning the quality of service provided to the users of Kansas City ARTCC airspace. This information may be used to solve problems, improve safety, and increase system efficiency.

Issued in Washington, DC, on July 11, 1996.

Steve Hopkins,

Manager, Corporate Information Division, ABC–100.

[FR Doc. 96–18146 Filed 7–16–96; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–96–34]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 12, 1996.

Michael E. Chase,

Acting Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 25233
Petitioner: Alaska Air Carriers Association
Sections of the FAR Affected: 14 CFR 43.3(g)
Description of Relief Sought/ Disposition: To extend Exemption No. 4802, as amended, which permits appropriately trained and certificated pilots employed by a member of the Alaska Air Carriers Association (AACA) to remove and reinstall the passenger seats in aircraft that are used by that AACA member in operations conducted under part 135.
Grant, May 31, 1996, Exemption No. 4802F

Docket No.: 25242
Petitioner: Experimental Aircraft Association
Sections of the FAR Affected: 14 CFR 61.58(c) and 91.5
Description of Relief Sought/ Disposition: To extend Exemption No. 4941, as amended, which permits Experimental Aircraft members to complete an approved training course in lieu of a pilot proficiency check.
Grant, June 20, 1996, Exemption No. 4941D

Docket No.: 26103
Petitioner: Northwest Seaplanes, Inc.
Sections of the FAR Affected: 14 CFR 135.203(a)(1)
Description of Relief Sought/ Disposition: To permit Northwest Seaplanes, Inc., to conduct operations under visual flight rules (VFR) outside controlled airspace, over water, at an altitude below 500 feet.
Grant, June 11, 1996, Exemption No. 6461

Docket No.: 26690
Petitioner: AMR Eagle, Inc.
Sections of the FAR Affected: 14 CFR 121.411 (a) (2), (3), and (b)(2); 121.413 (b), (c), and (d); appendix H to part 121; 135.303; 135.337 (a) (2), (3), and (b)(2); and 135.339 (a)(2), (b), and (c)
Description of Relief Sought/ Disposition: To extend and amend Exemption No. 5486, as amended, which permits certain highly qualified AMR Eagle, Inc. (AMR Eagle), or AMR Eagle-affiliated instructor pilots and check airmen to use certain FAA-approved simulators to train and check part 121 and part 135 certificate holder's pilots. The amendment clarifies certain existing conditions and limitations
Grant, June 7, 1996, Exemption No. 5486B

Docket No.: 27388
Petitioner: Rockwell International Corporation
Sections of the FAR Affected: 14 CFR 21.195(a)
Description of Relief Sought/ Disposition: To extend Exemption No. 5849, as amended, which permits the North American Aircraft Division of the Rockwell International Corporation to obtain an experimental certificate for its two prototype Model DASA FR–06 Ranger 2000 airplanes, S/N–001 and –003, for the purpose of conducting marketing surveys, sales demonstrations, or customer crew training.
Grant, February 28, 1996, Exemption No. 5849B

Docket No.: 28100
Petitioner: Vector Air Services, Inc.
Sections of the FAR Affected: 14 CFR 121.411 (a) (2) and (3) and (b); 121.413 (b), (c), and (d); and appendix H to part 121
Description of Relief Sought/ Disposition: To permit certain pilot and flight engineer (FE) instructors employed by Vector Air Services, Inc., (VASI) and listed in a part 121 certificate holder's approved training program to act a simulator instructors for that certificate holder under part 121 without those instructors having received ground and program approved under subpart N of part 121. This exemption also permits simulator instructors employed by VASI and listed in a certificate holder's approved training program to serve in advanced simulators without being employed by the certificate holder for 1 year, provided the instructors receive applicable training in accordance with the provisions of this exemption.
Partial Grant, June 3, 1996, Exemption No. 6457

Docket No.: 28392
Petitioner: Aviation Services Unlimited
Sections of the FAR Affected: 14 CFR 65.91(c)(1)

Description of Relief Sought/ Disposition: To allow the petitioner to apply for an inspection authorization (IA) without obtaining the required 3 years of experience.
Denial, June 11, 1996, Exemption No. 6460

Docket No.: 28474
Petitioner: Instone Air Services
Sections of the FAR Affected: 14 CFR 25.857(e) and 25.1447(c)(1)
Description of Relief Sought/ Disposition: To allow the carriage of up to sixteen supernumerary occupants (i.e., animal handlers, or grooms) on the main deck of Boeing Model 747–100/200 cargo aircraft, to attend to live animal cargo.
Partial Grant, June 19, 1996, Exemption No. 6463

Docket No.: 28506
Petitioner: Corporate Aviation, Inc.
Sections of the FAR Affected: 14 CFR 135.153(a)
Description of Relief Sought/ Disposition: To permit Corporate Aviation, Inc., to operate one Grumman Gulfstream II (G–11) aircraft (Registration No. N658PC, Serial No. 658) equipped with an alternate system as provided by § 135.153(b), rather than an FAA-approved ground proximity warning system (GPWS), after April 20, 1996.
Denial, June 14, 1996, Exemption No. 6462

[FR Doc. 96–18147 Filed 7–16–96; 8:45 am]
BILLING CODE 4910–13–M

Surface Transportation Board [1]

[STB Finance Docket No. 32974]

Burlington Northern Santa Fe Corporation, BNSF Acquisition Corp., and Burlington Northern Railroad Company—Control—Washington Central Railroad Company

AGENCY: Surface Transportation Board.

ACTION: Notice of acceptance of application.

SUMMARY: On June 17, 1996, the Washington Central Railroad Company (WCRC), the Burlington Northern Santa Fe Corporation (BNSF), the Burlington Northern Railroad Company (BNRR), and BNSF Acquisition Corporation (BNSF Acquisition) filed an application for BNSF to continue in control of BNSF Acquisition after BNSF Acquisition acquires the stock of WCRC. We accept the application for consideration. We further find that this is a ''minor transaction'' under 49 CFR 1180.2(c). Finally, we establish an expedited procedural schedule that would provide for the issuance of a final decision approximately 60 days prior to the deadline established for minor transactions in 49 U.S.C. 11325(d).

DATES: Written comments, including comments from the Secretary of Transportation and the Attorney General of the United States, must be filed with the Board no later than August 16, 1996. The Board will issue a service list shortly thereafter. Comments must be served on all parties of record within 10 days after the Board issues the service list. Applicants' reply is due on August 30, 1996. Unless unforeseen issues arise, the Board expects to be able to issue a final decision by October 15, 1996, with an effective date of October 30, 1996.

ADDRESSES: Send pleadings referring to STB Finance Docket No. 32974 to: (1) Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423; (2) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, S.W., Washington, DC 20590; (3) Attorney General of the United States, Washington, DC 20530; (4) Kathryn A. Kusske, Mayer, Brown & Platt, 2000 Pennsylvania Avenue, N.W., Suite 6500, Washington, DC 20006; and (5) Mark H. Sidman and Jo A. DeRoche, Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005–4797.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION:

Applicants seek approval under 49 U.S.C. 11323–25 for BNSF to continue in control of its noncarrier subsidiary BNSF Acquisition after BNSF Acquisition acquires the common stock of, and is subsequently merged with, WCRC. Applicants also seek approval under 49 U.S.C. 11323 for BNRR (controlled indirectly by BNSF) to operate the lines of the current WCRC system after WCRC is acquired by BNSF Acquisition, except for certain lines that will be leased to the Columbia Basin Railroad Company (CBRC).[2] Authority for this lease will be sought in a separate proceeding before the Board. Although BNRR will conduct most of WCRC's rail operations, BNSF Acquisition will retain its separate corporate existence.

The applicants allege that this is a ''minor transaction'' as defined in 49 CFR part 1180, the regulations that implemented former 49 U.S.C. 11343–45. The ICCTA has revised those statutory provisions and reenacted them as 49 U.S.C. 11323–25. The transaction here specifically is subject to 49 U.S.C. 11324(d) because the transaction does not involve the merger or control of two Class I railroads. Section 204(a) of the ICCTA provides that all ICC rules in effect on the date of the enactment of the ICCTA ''shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board . . . or operation of law.'' While the standards and procedures of former sections 11343–45 and current section 11323–25 are substantially similar insofar as minor transactions are concerned, the procedures of current section 11325(d), which applies if the transaction is a minor transaction, differ slightly from those at 49 CFR 1180.4 and shall govern. Otherwise, the use of the regulations at 49 CFR part 1180 for this proceeding appears proper.

Under 49 U.S.C. 11324(d), applying to proceedings that do not involve the merger or control of at least two Class I railroads, the Board shall approve a transaction unless it finds that: (1) the transaction will result in a ''substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States''; and (2) ''the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.'' Addressing the first qualification in section 11324(d), applicants argue that the transaction can have no adverse competitive effects because it would be an end-to-end acquisition, not a parallel acquisition. According to applicants, the transaction would merely result in the reacquisition of connecting track that was previously owned by the BNRR before the track was sold to WCRC in 1986.

Addressing the second qualification in section 11324(d), applicants assert that the transaction will further the public interest in meeting significant transportation needs. BNSF Senior Vice

[1] The ICC Termination Act of 1996, Pub. L. No. 104–88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to railroad acquisitions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–25.

[2] The lines to be leased to CBRC are: (1) Connell, WA (MP 186.9) to Wheeler, WA (MP 147.3); (2) Bassett Junction, WA (MP 0.0) to Schrag, WA (MP 12.50); and (3) Moses Lake, WA (MP 18.3) to Sieler, WA (MP 5.0). In a separate transaction to be submitted to the Board, CBRC will receive trackage rights from BNRR to provide service between Warden, WA (MP 1976.0) and Othello, WA (MP 1989.0), a distance of approximately 13 miles.

President Babb testifies that the transaction would reduce track congestion in the Pacific Northwest, increase capacity to meet a growing demand for rail service, increase operating efficiency, and allow more timely service.

Applicants anticipate that no existing BNRR employees will be adversely affected by the transaction but that a total of 17 WCRC positions could be eliminated in the first year. According to applicants, the newly formed CBRC will employ at least 15 present WCRC employees. Applicants assert that ''[t]he applicable level of labor protection for the transaction proposed herein is that set forth in *New York Dock—Control—Brooklyn Eastern District Terminal*, 360 I.C.C. 60 (1979).''

Under 49 CFR part 1180, the Board must determine whether a proposed transaction is major, significant, or minor. We find that the transaction is minor under 49 CFR 1180.2(c), because the transaction, which would merely allow BNSF to reacquire track that was previously sold to a Class III carrier (WCRC) by BNRR, has no regional or national transportation significance and clearly will not have any anticompetive effects. Because the application substantially complies with the applicable regulations governing minor transactions, we are accepting it for consideration.

Our finding that this transaction is minor under 49 CFR 1180.2(c) also satisfies the criteria for application of current 49 U.S.C. 11325(a)(3) and 11325(d).

By motion filed June 17, 1996, applicants suggest an expedited procedural schedule for processing the application. Due to the limited, end-to-end nature of the proposed transaction, it is not likely to involve complex issues. Thus, we will adopt the suggested expedited schedule, which is reflected in the **''DATES''** section above. But we reserve the right to modify this schedule if unforeseen issues arise.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Surface Transportation Board in Washington, DC. In addition, they may be obtained upon request from applicants' representatives named above.

Interested persons, including government entities, may participate in this proceeding by submitting written comments. Any person who files timely comments will be considered a party of record if the person so requests. No petition for leave to intervene need be filed.

Consistent with 49 CFR 1180.4(d)(1)(iii), written comments must contain:

(a) The docket number and title of the proceeding;

(b) The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;

(c) The commenting party's position, i.e., whether it supports or opposes the proposed transaction;

(d) A statement whether the commenting party intends to participate formally in the proceeding, or merely to comment on the proposal;

(e) If desired, a request for an oral hearing with reasons supporting this request; the request must indicate the disputed material facts that can be resolved only at a hearing; and

(f) A list of all information sought to be discovered from applicant carriers.

Because we have determined that this proposal is a minor transaction, no responsive applications will be permitted. The time limits for processing this application are set forth at 49 U.S.C. 11325(d), but, as noted above, we have provisionally adopted an expedited schedule.

Discovery may begin immediately. We encourage the parties to resolve all discovery matters expeditiously and amicably.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This application is accepted for consideration under 49 U.S.C. 11323–25 as a minor transaction under 49 CFR 1180.2(c).

2. The parties will comply with all provisions stated above.

This decision is effective on July 17, 1996.

Decided: July 11, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–18129 Filed 7–16–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 32989]

Evansville Terminal Company, Inc.—Acquisition and Operation Exemption—Trustee, Indiana HiRail Corporation

Evansville Terminal Company, Inc. (ETC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 40.4 miles of rail line from Trustee, Indiana HiRail Corporation (IHRC), between milepost 204.3 at Browns, IL, and milepost 244.7 at Evansville, IN, including, without limitation, the Harwood Yard North and side tracks. The transaction was to have been consummated on or after the June 28, 1996 effective date of the exemption.

This proceeding is related to *RailAmerica, Inc.—Continuance in Control Exemption—Evansville Terminal Company, Inc.*, STB Finance Docket No. 32990, wherein RailAmerica, Inc. (RailAmerica), has concurrently filed a verified notice to continue to control ETC, upon its becoming a Class III rail carrier.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32989, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Robert P. vom Eigen, Hopkins & Sutter, 888 Sixteenth Street, N.W., Washington, DC 20006.

Decided: July 10, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–18124 Filed 7–16–96; 8:45 am]

BILLING CODE 4915–00–P

Surface Transportation Board [1]

[STB Finance Docket No. 32990]

RailAmerica, Inc.—Continuance in Control Exemption—Evansville Terminal Company, Inc.

RailAmerica, Inc. (RailAmerica), a noncarrier, has filed a notice of exemption to continue in control of

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901.

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–24.

Evansville Terminal Company, Inc. (ETC), upon ETC's becoming a Class III rail carrier. The transaction was to have been consummated on or after the June 28, 1996 effective date of the exemption.

ETC, a noncarrier, has concurrently filed a notice of exemption in *Evansville Terminal Company, Inc.—Acquisition and Operation Exemption—Trustee, Indiana HiRail Corporation*, STB Finance Docket No. 32989, to acquire approximately 40.4 miles of rail lines of Trustee, Indiana HiRail Corporation, between Browns, IL, and Evansville, IN.

RailAmerica controls six other nonconnecting Class III rail carriers: Huron & Eastern Railway Company, Inc.; Saginaw Valley Railway Company, Inc.; West Texas & Lubbock Railroad Company, Inc.; Plainview Terminal Company; Dakota Rail, Inc.; and South Central Tennessee Railroad Company.

RailAmerica states that: (1) ETC will not connect with any of the other railroads in its corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect ETC with any other railroad in its corporate family; and (3) the transaction does not involve a Class I railroad. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III railroad carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32990, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423 and served on: Robert P. vom Eigen, Hopkins & Sutter, 888 Sixteenth Street, NW., Washington, DC 20006.

Decided: July 10, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–18125 Filed 7–16–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Docket No. AB–55 (Sub-No. 531X)]

CSX Transportation, Inc.—Discontinuance of Service Exemption—in Fayette and Raleigh Counties, WV

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* to discontinue service over 4.8 miles of its line of railroad from milepost CAX–0.0 at Mill Creek Jct., to milepost CAX–4.8 at Garden Ground, in Fayette and Raleigh Counties, WV.

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 16, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by July 29, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 6, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Charles M. Rosenberger, Senior Counsel, 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 22, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: July 10, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–18126 Filed 7–16–96; 8:45 am]

BILLING CODE 4915–00–P

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[4] The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Corrections

Federal Register
Vol. 61, No. 138
Wednesday, July 17, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agicultural Marketing Service

7 CFR Part 29

[Docket No. TB-95-18]

Tobacco Inspection; Growers' Referendum Results

Correction

In rule document 96–13832 beginning on page 27997 in the issue of Tuesday, June 4, 1996, in the second column, the **EFFECTIVE DATE** should read ''July 5, 1996''.

BILLING CODE 1505–01–D

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Chapters XXVI and XL

RIN 1212-AA75

Reorganization, Renumbering, and Reinvention of Regulations; Correction

Correction

In rule document 96–17791 beginning on page 36626 in the issue of Friday, July 12, 1996 make the following corrections:

1. On page 36626, third column, instruction 10., fifth line, ''it'' should read ''i_t''.

2. On page 36627, first column, instruction 11, fifth line, ''interger and $o<y\leq n_i$),'' should read ''interger and $0<y\leq n_i$),''.

BILLING CODE 1505–01–D

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket Nos. RM96–1, MC95–1 and MC96–1; Order No. 1119]

Amendments to Domestic Mail Classification Schedule: Mail Classification Reform, Classification Reform I (MC95–1) and Experimental First-Class and Priority Mail Small Parcel Automation Rate Category (MC96–1)

Correction

In rule document 96–15932 beginning on page 32656 in the issue of Tuesday, June 25, 1996, make the following corrections:

Appendix A to Subpart C [Corrected]

The table at the bottom of page 32689 and pages 32690 and 32692 are reprinted in their entirety because of numerous typographical errors.

Special services	Description	Fee
SCHEDULE SS–1		
Address Corrections	Per manual correction	
	Per automated correction	
SCHEDULE SS–2		
Business Reply Mail	Active business reply advance deposit account:	
	Per Piece: Pre-barcoded	
	Other	
	Payment of postage due charges if active business reply mail advances deposit account not used Per Piece.	
	Annual License and Accounting Fees:	
	Accounting Fee for Advance Deposit	
	Account	
	Permit Fee (with or without Advance Deposit Account)	
SCHEDULE SS–4		
Certificates of Mailing	Individual Pieces	(in addition to postage)
	Original certificate of mailing for listed pieces of all classes of ordinary mail (per piece)	
	Three or more pieces individually listed in a firm mailing book or an approved customer provided manifest (per piece)	
	Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and COD mail (each copy)	
	Bulk Pieces:	
	Identical pieces of First-Class and Single Piece, Regular, and Nonprofit Standard Mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:	
	Up to 1,000 pieces (one certificate for total number).	
	Each additional 1,000 pieces or fraction.	
	Duplicate copy.	
SCHEDULE SS–5		
Certified Mail	Per Piece	
SCHEDULE SS–6		(in addition to postage)
Collect on Delivery	Amount to be collected, or Insurance Coverage Desired	(in addition to postage)
	Notice of nondelivery of COD	
	Alteration of COD charges or designation of new addressee	
	Registered COD	
SCHEDULE SS–8		
Money Orders	Domestic	
	$0.01 to $700	
	APO–FPO $0.01 to $700	
	Inquiry Fee, which includes the issuance of copy of a paid money order	
SCHEDULE SS–9		(in addition to postage)
Insured Mail	Liability:	

	Box size	Box capacity (cu. in.)	Semi-annual fees		
			IA	IB	IC
SCHEDULE SS–10					
Post Office Boxes and Caller Service					
A. Post Office Box Semi-Annual Rental Rate					
Group I—offices with city carrier service.	1	under 296.			
	2	296–499.			
	3	500–999.			
	4	1000–1999.			
	5	2000 & over.			
Group II—offices city carrier	1	annual.			
	2	annual.			
	3	semi-annual.			
	4	semi-annual.			
	5	semi-annual.			
Group III—offices rural carrier	1–5	annual.			
B. Caller Service					
For Caller Service		semi-annual.			
For Each Reserved Call Number		annual.			

	Description	Fee
SCHEDULE SS–11a		
Zip Coding of Mailing Lists	Per thousand addresses	
SCHEDULE SS–11b		
Correction of Mailing Lists	Per submitted address	
	Minimum charge per list corrected	
SCHEDULE SS–11c		
Address Changes for Election Boards and Registration Commissions	Per change of address	
SCHEDULE SS–11d		
Corrections Associated with Arrangement of Address Cards in Carrier Delivery Sequence Per correction		
NOTE: When rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.		
SCHEDULE SS–12		
On-site Meter Setting	First Meter.	
	By appointment	
	Unscheduled request	
	Additional meters	
	Checking meter in or out of service (per meter)	
SCHEDULE SS–13		(in addition to Parcel Post postage)
Parcel Air Lift	Up to 2 pounds	
	Over 2 up to 3 pounds	
	Over 3 up to 4 pounds	
	Over 4 pounds	

	Description	Fee
SCHEDULE SS–15		(in addition to postage)
Restricted Delivery	Per Piece	
SCHEDULE SS–16		
Return Receipts	Requested at time of mailing:	
	Showing to whom (signature) and date delivered	
	Merchandise only—without another special service	
	Showing to whom (signature) and date and address where delivered	
	Merchandise only—without another special service	
	Requested after mailing: Showing to whom and date delivered	
SCHEDULE SS–17		
Special Delivery	First-Class and priority Mail	
	Not more than 2 pounds	
	Over 2 pounds but not over 10 pounds	
	Over 10 pounds	

	Description	Fee
	All Other Classes	
	Not more than 2 pounds	
	Over 2 pounds but not over 10 pounds	
	Over 10 pounds	
SCHEDULE SS–18		
Special handling	Not more than 10 pounds	
	More than 10 pounds	
SCHEDULE SS–19		
Stamped	Single Sale	
Envelopes		
	BULK (500) #6¾ size: Regular Window	
	BULK (500) size > #6¾ through #10 [1] Regular Window	
	Multi-Color Printing (500) #6¾ size, #10 size [1]	
	Printing charge per 500 Envelopes (for each type of printed envelope)	
	Minimum Order (500) envelopes)	
	Order for 1,000 or more envelopes	
	Double Window (500)—Size > #6¾ through #10 [1]	
	Household (50): size #6¾—Regular Window	
	size > #6¾ through #10—Regular Window	
SCHEDULE SS–20		
Merchandise Return	Per Transaction	
	Shipper must have an advance deposit account (see DMCS Schedule 1000)	
SCHEDULE 1000		
Fees	First-Class Presorted Mailing Fee	
	Periodicals Fees	
	A. Original Entry	
	B. Additional Entry	
	C. Re-entry	
	D. Registration for News Agents	
	Regular, Enhanced Carrier Route and Nonprofit Standard Mail Bulk Mailing Fee	
	Parcel Post: Destination BMC	
	Special Standard Mail Presorted Mailing Fee	
	Authorization to Use Permit Imprint	
	Merchandise Return (per facility receiving merchandise return labels)	
	Business Reply Mail Permit	

[1] Fee for precancelled envelopes is the same.

BILLING CODE 1505–01–D

Federal Register

Wednesday
July 17, 1996

Part II

Department of Health and Human Services

Food and Drug Administration

International Conference on Harmonisation; Guideline on Structure and Content of Clinical Study Reports; Availability; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 95D–0218]

International Conference on Harmonisation; Guideline on Structure and Content of Clinical Study Reports; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is publishing a guideline entitled ''Structure and Content of Clinical Study Reports.'' The guideline was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The guideline is intended to facilitate the compilation of a single worldwide core clinical study report acceptable to all regulatory authorities.

DATES: Effective July 17, 1996. Submit written comments at any time.

ADDRESSES: Submit written comments on the guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Copies of the guideline are available from the Division of Communications Management (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1012. An electronic version of this guideline is also available via Internet by connecting to the CDER file transfer protocol (FTP) server (CDVS2.CDER.FDA.GOV).

FOR FURTHER INFORMATION CONTACT:

Regarding the guideline: Robert Temple, Center for Drug Evaluation and Research (HFD–100), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–6758.

Regarding ICH: Janet Showalter, Office of Health Affairs (HFY–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are: The European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

In the Federal Register of August 23, 1995 (60 FR 43910), FDA published a draft tripartite guideline entitled ''Structure and Content of Clinical Study Reports.'' The notice gave interested persons an opportunity to submit comments by October 10, 1995.

After consideration of the comments received and revisions to the guideline, a final draft of the guideline was submitted to the ICH Steering Committee and endorsed by the three participating regulatory agencies at the ICH meeting held on November 29, 1995.

The guideline is intended to facilitate the compilation of a single worldwide core clinical study report acceptable to all regulatory authorities. The clinical study report described in this guideline is an integrated full report of an individual study of any therapeutic, prophylactic, or diagnostic agent conducted in patients. Certain information is contained in appendices, including the protocol, listings of investigators and their qualifications, trial material information, technical statistical documentation, related publications, patient data listings, case report forms, and documentation of statistical methods. These appendices should be prepared by sponsors, but may be submitted as part of an initial submission, or on request, at the discretion of the regulatory authority. The material in the appendices should be provided in submissions to the Food and Drug Administration unless specific agreements are reached with reviewing divisions/offices to retain particular appendices.

The guideline is intended to assist sponsors in the development of a report that is complete, free from ambiguity, well organized, and easy to review. It is intended to replace one section of an existing FDA guideline, specifically, Section III of the Guideline for the Format and Content of the Clinical and Statistical Sections of New Drug Applications.

In the past, guidelines have generally been issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to state procedures or standards of general applicability that are not legal requirements but are acceptable to FDA. The agency is now in the process of revising § 10.90(b). Although this guideline does not create or confer any rights for or on any person and does not operate to bind FDA, it does represent the agency's current thinking on structure and content of clinical study reports.

As with all of FDA's guidelines, the public is encouraged to submit written comments with new data or other new information pertinent to this guideline. The comments in the docket will be periodically reviewed, and, where appropriate, the guideline will be amended. The public will be notified of any such amendments through a notice in the Federal Register.

Interested persons may, at any time, submit written comments on the guideline to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The text of the guideline follows:

Structure and Content of Clinical Study Reports Table of Contents

3. Table of Contents for the Individual Clinical Study Report
4. List of Abbreviations and Definition of Terms
5. Ethics
5.1 Independent Ethics Committee (IEC) or Institutional Review Board (IRB)
5.2 Ethical Conduct of the Study
5.3 Patient Information and Consent
6. Investigators and Study Administrative Structure
7. Introduction
8. Study Objectives
9. Investigational Plan
9.1 Overall Study Design and Plan—Description
9.2 Discussion of Study Design, including the Choice of Control Groups
9.3 Selection of Study Population
9.3.1 Inclusion Criteria
9.3.2 Exclusion Criteria
9.3.3 Removal of Patients from Therapy or Assessment
9.4 Treatments
9.4.1 Treatments Administered
9.4.2 Identity of Investigational Product(s)
9.4.3 Method of Assigning Patients to Treatment Groups
9.4.4 Selection of Doses in the Study
9.4.5 Selection and Timing of Dose for Each Patient
9.4.6 Blinding
9.4.7 Prior and Concomitant Therapy
9.4.8 Treatment Compliance
9.5 Efficacy and Safety Variables
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I. Introduction

The objective of this guideline is to facilitate the compilation of a single core clinical study report acceptable to all regulatory authorities of the ICH regions. The regulatory authority-specific additions will consist of modules to be considered as appendices, available upon request according to regional regulatory requirements.

The clinical study report described in this guideline is an ''integrated'' full report of an individual study of any therapeutic, prophylactic, or diagnostic agent (referred to herein as drug or treatment) conducted in patients. The clinical and statistical description, presentations, and analyses are integrated into a single report, incorporating tables and figures into the main text of the report or at the end of the text, with appendices containing such information as the protocol, sample case report forms, investigator-related information, information related to the test drugs/investigational products including active control/comparators, technical statistical documentation, related publications, patient data listings, and technical statistical details such as derivations, computations, analyses,

and computer output. The integrated full report of a study should not be derived by simply joining a separate clinical and statistical report. Although this guideline is mainly aimed at efficacy and safety trials, the basic principles and structure described can be applied to other kinds of trials, such as clinical pharmacology studies. Depending on the nature and importance of such studies, a less detailed report might be appropriate.

The guideline is intended to assist sponsors in the development of a report that is complete, free from ambiguity, well organized, and easy to review. The report should provide a clear explanation of how the critical design features of the study were chosen and enough information on the plan, methods, and conduct of the study so that there is no ambiguity in how the study was carried out. The report with its appendices should also provide enough individual patient data, including the demographic and baseline data, and details of analytical methods, to allow replication of the critical analyses when authorities wish to do so. It is also particularly important that all analyses, tables, and figures carry, in text or as part of the table, clear identification of the set of patients from which they were generated.

Depending on the regulatory authority's review policy, abbreviated reports using summarized data or with some sections deleted may be acceptable for uncontrolled studies or other studies not designed to establish efficacy, for seriously flawed or aborted studies, or for controlled studies that examine conditions clearly unrelated to those for which a claim is made. A controlled safety study, however, should be reported in full. If an abbreviated report is provided, a full description of safety aspects should be included in all cases. If an abbreviated report is submitted, there should be enough detail of design and results to allow the regulatory authority to determine whether a full report is needed. If there is any question regarding whether the reports are needed, it may be useful to consult the regulatory authority.

In presenting the detailed description of how the study was carried out, it may be possible simply to restate the description in the initial protocol. Often, however, it is possible to present the methodology of the study more concisely in a separate document. In each section describing the design and conduct of the study, it is particularly important to clarify features of the study that are not well-described in the protocol and identify ways in which the study as conducted differed from the protocol, and to discuss the statistical methods and analyses used to account for these deviations from the planned protocol.

The full integrated report of the individual study should include the most detailed discussion of individual adverse events or laboratory abnormalities, but these should usually be reexamined as part of an overall safety analysis of all available data in any application.

The report should describe demographic and other potentially predictive characteristics of the study population and, where the study is large enough to permit this, present data for demographic (e.g., age, sex, race, weight) and other (e.g., renal or hepatic function) subgroups so that possible differences in efficacy or safety can be identified. Usually, however, subgroup responses should be examined in the larger data base used in the overall analysis.

The data listings requested as part of the report (usually in an appendix) are those needed to support critical analyses. Data listings that are part of the report should be readily usable by the reviewer. Thus, although it may be desirable to include many variables in a single listing to limit size, this should not be at the expense of clarity. An excess of data should not be allowed to lead to, for example, overuse of symbols instead of words or easily understood abbreviations, or to too-small displays. In this case, it is preferable to produce several listings.

Data should be presented in the report at different levels of detail: Overall summary figures and tables for important demographic, efficacy, and safety variables may be placed in the text to illustrate important points; other summary figures, tables, and listings for demographic, efficacy, and safety variables should be provided in section 14; individual patient data for specified groups of patients should be provided as listings in Appendix 16.2; and all individual patient data (archival listings requested only in the United States) should be provided in Appendix 16.4.

In any table, figure, or data listing, estimated or derived values, if used, should be identified in a conspicuous fashion. Detailed explanations should be provided as to how such values were estimated or derived and what underlying assumptions were made.

The guidance provided below is detailed and is intended to notify the applicant of virtually all of the information that should routinely be provided so that postsubmission requests for further data clarification and analyses can be reduced as much as possible. Nonetheless, specific requirements for data presentation and/or analysis may depend on specific situations, may evolve over time, may vary from drug class to drug class, may differ among regions, and cannot be described in general terms. It is, therefore, important to refer to specific clinical guidelines and to discuss data presentation and analyses with the reviewing authority, whenever possible. Detailed written guidance on statistical approaches is available from some authorities.

Each report should consider all of the topics described (unless clearly not relevant) although the specific sequence and grouping of topics may be changed if alternatives are more logical for a particular study. Some data in the appendices are specific requirements of individual regulatory authorities and should be submitted as appropriate. The numbering should then be adapted accordingly.

In the case of very large trials, some of the provisions of this guideline may be impractical or inappropriate. When planning and when reporting such trials, contact with regulatory authorities to discuss an appropriate report format is encouraged.

The provisions of this guideline should be used in conjunction with other ICH guidelines.

Structure and Content of Clinical Study Reports

1. Title Page

The title page should contain the following information:

- Study title.
- Name of test drug/investigational product.
- Indication studied.
- If not apparent from the title, a brief (one to two sentences) description giving design (parallel, cross-over, blinding, randomized) comparison (placebo, active, dose/response), duration, dose, and patient population.
- Name of the sponsor.
- Protocol identification (code or number).
- Development phase of study.
- Study initiation date (first patient enrolled, or any other verifiable definition).
- Date of early study termination, if any.
- Study completion date (last patient completed).
- Name and affiliation of principal or coordinating investigator(s) or sponsor's responsible medical officer.
- Name of company/sponsor signatory (the person responsible for the study report within the company/sponsor). The name, telephone number, and fax number of the company/sponsor contact persons for questions arising during review of the study report should be indicated on this page or in the letter of application.
- Statement indicating whether the study was performed in compliance with good clinical practice (GCP), including the archiving of essential documents.
- Date of the report (identify any earlier reports from the same study by title and date).

2. Synopsis

A brief synopsis (usually limited to three pages) that summarizes the study should be provided (see Annex I of the guideline for an example of a synopsis format used in Europe). The synopsis should include numerical data to illustrate results, not just text or p-values.

3. Table of Contents for the Individual Clinical Study Report

The table of contents should include:

- The page number or other locating information of each section, including summary tables, figures, and graphs.
- A list and the locations of appendices, tabulations, and any case report forms provided.

4. List of Abbreviations and Definitions of Terms

A list of the abbreviations, and lists and definitions of specialized or unusual terms or measurement units used in the report should be provided. Abbreviated terms should be spelled out and the abbreviation indicated in parentheses at first appearance in the text.

5. Ethics

5.1 Independent Ethics Committee (IEC) or Institutional Review Board (IRB)

It should be confirmed that the study and any amendments were reviewed by an IEC or IRB. A list of all IEC's or IRB's consulted should be given in Appendix 16.1.3 and, if required by the regulatory authority, the

name of the committee Chair should be provided.

5.2 Ethical Conduct of the Study

It should be confirmed that the study was conducted in accordance with the ethical principles that have their origins in the Declaration of Helsinki.

5.3 Patient Information and Consent

How and when informed consent was obtained in relation to patient enrollment (e.g., at allocation, prescreening) should be described.

Representative written information for the patient (if any) and a sample of the patient consent form used should be provided in Appendix 16.1.3.

6. Investigators and Study Administrative Structure

The administrative structure of the study (e.g., principal investigator, coordinating investigator, steering committee, administration, monitoring and evaluation committees, institutions, statistician, central laboratory facilities, contract research organization (C.R.O.), clinical trial supply management) should be described briefly in the body of the report.

There should be provided in Appendix 16.1.4 a list of the investigators with their affiliations, their role in the study, and their qualifications (curriculum vitae or equivalent). A similar list for other persons whose participation materially affected the conduct of the study should also be provided in Appendix 16.1.4. In the case of large trials with many investigators, the above information may be abbreviated to consist of general statements of qualifications for persons carrying out particular roles in the study with only the name, degree, and institutional affiliation and roles of each investigator or other participant.

The listing should include:

(a) Investigators.

(b) Any other person carrying out observations of primary or other major efficacy variables, such as a nurse, physician's assistant, clinical psychologist, clinical pharmacist, or house staff physician. It is not necessary to include in this list a person with only an occasional role, e.g., an on-call physician who dealt with a possible adverse effect or a temporary substitute for any of the above.

(c) The author(s) of the report, including the responsible biostatistician(s).

Where signatures of the principal or coordinating investigators are required by regulatory authorities, these should be included in Appendix 16.1.5 (see Annex II for a sample form). Where these are not required, the signature of the sponsor's responsible medical officer should be provided in Appendix 16.1.5.

7. Introduction

The introduction should contain a brief statement (maximum: one page) placing the study in the context of the development of the test drug/investigational product, relating the critical features of the study (e.g., rationale and aims, target population, treatment, duration, primary endpoints) to that development. Any guidelines that were followed in the development of the protocol or any other agreements/meetings between the sponsor/company and regulatory authorities that are relevant to the particular study should be identified or described.

8. Study Objectives

A statement describing the overall purpose(s) of the study should be provided.

9. Investigational Plan

9.1 Overall Study Design and Plan: Description

The overall study plan and design (configuration) of the study (e.g., parallel, cross-over) should be described briefly but clearly, using charts and diagrams as needed. If other studies used a very similar protocol, it may be useful to note this and describe any important differences. The actual protocol and any changes should be included as Appendix 16.1.1 and a sample case report form (unique pages only; i.e., it is not necessary to include identical pages from forms for different evaluations or visits) as Appendix 16.1.2. If any of the information in this section comes from sources other than the protocol, these should be identified.

The information provided should include:

- Treatments studied (specific drugs, doses, and procedures).
- Patient population studied and the number of patients to be included.
- Level and method of blinding/masking (e.g., open, double-blind, single-blind, blinded evaluators, and unblinded patients and/or investigators).
- Kind of control(s) (e.g., placebo, no treatment, active drug, dose-response, historical) and study configuration (parallel, cross-over).
- Method of assignment to treatment (randomization, stratification).
- Sequence and duration of all study periods, including prerandomization and post-treatment periods, therapy withdrawal periods, and single and double-blind treatment periods. When patients were randomized should be specified. It is usually helpful to display the design graphically with a flow chart that includes timing of assessments (see Annexes IIIa and IIIb for an example).
- Any safety, data monitoring, or special steering or evaluation committees.
- Any interim analyses.

9.2 Discussion of Study Design, Including the Choice of Control Groups

The specific control chosen and the study design used should be discussed, as necessary. Examples of design issues meriting discussion follow.

Generally, the control (comparison) groups that are recognized are placebo concurrent control, no treatment concurrent control, active treatment concurrent control, dose comparison concurrent control, and historical control. In addition to the type of control, other critical design features that may need discussion are use of a cross-over design and selection of patients with particular prior history, such as response or nonresponse to a specific drug or member of a drug class. If randomization was not used, it is important to explain how other techniques, if any, guarded against systematic selection bias.

Known or potential problems associated with the study design or control group chosen should be discussed in light of the specific disease and therapies being studied. For a cross-over design, for example, there should be consideration, among other things, of the likelihood of spontaneous change in the disease and of carry-over effects of treatment during the study.

If efficacy was to be demonstrated by showing equivalence, i.e., the absence of a specified degree of inferiority of the new treatment compared to an established treatment, problems associated with such study designs should be addressed. Specifically, there should be provided a basis for considering the study capable of distinguishing active from inactive therapy. Support may be provided by an analysis of previous studies similar to the present study with respect to important design characteristics (e.g., patient selection, study endpoints, duration, dose of active control, concomitant therapy) showing a consistent ability to demonstrate superiority of the active control to placebo. How to assess the ability of the present study to distinguish effective from ineffective therapy should also be discussed. For example, it may be possible to identify a treatment response (based on past studies) that would clearly distinguish between the treated population and an untreated group. Such a response could be the change of a measure from baseline or some other specified outcome like healing rate or survival rate. Attainment of such a response would support the expectation that the study could have distinguished the active drug from an inactive drug. There should also be a discussion of the degree of inferiority of the therapy (often referred to as the delta value) the study was intended to show was not exceeded.

The limitations of historical controls are well known (e.g., difficulty of assuring comparability of treated groups, inability to blind investigators to treatment, change in therapy/disease, difference due to placebo effect) and deserve particular attention.

Other specific features of the design may also deserve discussion, including presence or absence of washout periods and the duration of the treatment period, especially for a chronic illness. The rationale for dose and dose-interval selection should be explained, if it is not obvious. For example, once daily dosing with a short half-life drug whose effect is closely related in time to blood level is not usually effective; if the study design uses such dosing, this should be explained, e.g., by pointing to pharmacodynamic evidence that effect is prolonged compared to blood levels. The procedures used to seek evidence of ''escape'' from drug effect at the end of the dose-interval, such as measurements of effect just before dosing, should be described. Similarly, in a parallel design dose-response study, the choice of doses should be explained.

9.3 Selection of Study Population

9.3.1 Inclusion Criteria

The patient population and the selection criteria used to enter the patients into the study should be described, and the suitability of the population for the purposes of the study discussed. Specific diagnostic criteria used, as well as specific disease requirements

(e.g., disease of a particular severity or duration, results of a particular test or rating scale(s) or physical examination, particular features of clinical history, such as failure or success on prior therapy, or other potential prognostic factors and any age, sex, or ethnic factors) should be presented.

Screening criteria and any additional criteria for randomization or entry into the test drug/investigational product treatment part of the trial should be described. If there is reason to believe that there were additional entry criteria, not defined in the protocol, the implications of these should be discussed. For example, some investigators may have excluded or entered into other studies patients who were particularly ill or who had particular baseline characteristics.

9.3.2 Exclusion Criteria

The criteria for exclusion at entry into the study should be specified and the rationale provided (e.g., safety concerns, administrative reasons, or lack of suitability for the trial). The impact of exclusions on the generalizability of the study should be discussed in section 13 of the study report or in an overview of safety and efficacy.

9.3.3 Removal of Patients From Therapy or Assessment

The predetermined reasons for removing patients from therapy or assessment observation, if any, should be described, as should the nature and duration of any planned followup observations in those patients.

9.4 Treatments

9.4.1 Treatments Administered

The precise treatments or diagnostic agents to be administered in each arm of the study, and for each period of the study, should be described including route and mode of administration, dose, and dosage schedule.

9.4.2 Identity of Investigational Products(s)

In the text of the report, a brief description of the test drug(s)/investigational product(s) (formulation, strength, batch number(s)) should be given. If more than one batch of test drug/investigational product was used, patients receiving each batch should be identified in Appendix 16.1.6.

The source of placebos and active control/comparator product(s) should be provided. Any modification of comparator product(s) from their usual commercial state should be noted, and the steps taken to assure that their bioavailability was unaltered should be described.

For long-duration trials of investigational products with limited shelf-lives or incomplete stability data, the logistics of resupply of the materials should be described. Any use of test materials past their expiry date should be noted, and patients receiving them identified. If there were specific storage requirements, these should also be described.

9.4.3 Method of Assigning Patients to Treatment Groups

The specific methods used to assign patients to treatment groups, e.g., centralized allocation, allocation within sites, adaptive allocation (that is, assignment on the basis of earlier assignment or outcome) should be described in the text of the report, including any stratification or blocking procedures. Any unusual features should be explained.

A detailed description of the randomization method, including how it was executed, should be given in Appendix 16.1.7 with references cited if necessary. A table exhibiting the randomization codes, patient identifier, and treatment assigned should also be presented in the Appendix. For a multicenter study, the information should be given by center. The method of generating random numbers should be explained.

For a historically controlled trial, it is important to explain how the particular control was selected and what other historical experiences were examined, if any, and how their results compared to the control used.

9.4.4 Selection of Doses in the Study

The doses or dose ranges used in the study should be given for all treatments and the basis for choosing them described (e.g., prior experience in humans, animal data).

9.4.5 Selection and Timing of Dose for Each Patient

Procedures for selecting each patient's dose of test drug/ investigational product and active control/comparator should be described. These procedures can vary from simple random assignment to a selected fixed drug/dose regimen, to use of a specified titration procedure, or to more elaborate response-determined selection procedures, e.g., where dose is titrated upward at intervals until intolerance or some specified endpoint is achieved. Procedures for back-titration, if any, should also be described.

The timing (time of day, interval) of dosing and the relation of dosing to meals should be described and, if timing was not specified, this should be noted.

Any specific instructions to patients about when or how to take the dose(s) should be described.

9.4.6 Blinding

A description of the specific procedures used to carry out blinding should be provided (e.g., how bottles were labeled, use of labels that reveal blind-breakage, sealed code list/envelopes, double dummy techniques), including the circumstances in which the blind would be broken for an individual or for all patients (e.g., for serious adverse events), the procedures used to do this, and who had access to patient codes. If the study allowed for some investigators to remain unblinded (e.g., to allow them to adjust medication), the means of shielding other investigators should be explained. Measures taken to ensure that test drug/ investigational product and placebo were indistinguishable and evidence that they were indistinguishable should be described, as should the appearance, shape, smell, and taste of the test material. Measures to prevent unblinding by laboratory measurements, if used, should be described. If there was a data monitoring committee with access to unblinded data, procedures to ensure maintenance of overall study blinding should be described. The procedure used to maintain the blinding when interim analyses were performed should also be explained.

If blinding was considered unnecessary to reduce bias for some or all of the observations, this should be explained; e.g., use of a random-zero sphygmomanometer eliminates possible observer bias in reading blood pressure and Holter tapes are often read by automated systems that are presumably immune to observer bias. If blinding was considered desirable but not feasible, the reasons and implications should be discussed. Sometimes blinding is attempted but is known to be imperfect because of obvious drug effects in at least some patients (dry mouth, bradycardia, fever, injection site reactions, changes in laboratory data). Such problems or potential problems should be identified and, if there were any attempts to assess the magnitude of the problem or manage it (e.g., by having endpoint measurements carried out by people shielded from information that might reveal treatment assignment), they should be described.

9.4.7 Prior and Concomitant Therapy

Which drugs or procedures were allowed before and during the study, whether and how their use was recorded, and any other specific rules and procedures related to permitted or prohibited concomitant therapy should be described. How allowed concomitant therapy might affect the outcome due either to drug-drug interaction or to direct effects on the study endpoints should be discussed, and how the independent effects of concomitant and study therapies could be ascertained should be explained.

9.4.8 Treatment Compliance

The measures taken to ensure and document treatment compliance should be described, e.g., drug accountability, diary cards, blood, urine or other body fluid drug level measurements, or medication event monitoring.

9.5 Efficacy and Safety Variables

9.5.1 Efficacy and Safety Measurements Assessed and Flow Chart

The specific efficacy and safety variables to be assessed and laboratory tests to be conducted, their schedule (days of study, time of day, relation to meals, and the timing of critical measures in relation to test drug administration, e.g., just prior to next dose, 2 hours after dose), the methods for measuring them, and the persons responsible for the measurements should be described. If there were changes in personnel carrying out critical measurements, these should be reported.

It is usually helpful to display graphically in a flow chart (see Annex III of the guideline) the frequency and timing of efficacy and safety measurements; visit numbers and times should be shown, or, alternatively, times alone can be used (visit numbers alone are more difficult to interpret). Any specific instructions (e.g., guidance or use of a diary) to the patients should also be noted.

Any definitions used to characterize outcome (e.g., criteria for determining occurrence of acute myocardial infarction, designation of the location of the infarction, characterization of a stroke as thrombotic or hemorrhagic, distinction between TIA and stroke, assignment of cause of death) should be explained in full. Any techniques used to standardize or compare results of laboratory tests or other clinical measurements (e.g., ECG, chest X-ray) should also be described.

This is particularly important in multicenter studies.

If anyone other than the investigator was responsible for evaluation of clinical outcomes (e.g., the sponsor or an external committee to review X-rays or ECG's or to determine whether the patient had a stroke, acute infarction, or sudden death), the person or group should be identified. The procedures used, including means of maintaining blindness and centralizing readings and measurements, should be described fully.

The means of obtaining adverse event data should be described (volunteered, checklist, or questioning), as should any specific rating scale(s) used and any specifically planned followup procedures for adverse events or any planned rechallenge procedure.

Any rating of adverse events by the investigator, sponsor, or external group (e.g., rating by severity or likelihood of drug causation) should be described. The criteria for such ratings, if any, should be given and the parties responsible for the ratings should be clearly identified. If efficacy or safety was to be assessed in terms of categorical ratings or numerical scores, the criteria used for point assignment should be provided (e.g., definitions of point scores). For multicenter studies, how methods were standardized should be indicated.

9.5.2 Appropriateness of Measurements

If any of the efficacy or safety assessments was not standard, i.e., widely used and generally recognized as reliable, accurate, and relevant (able to discriminate between effective and ineffective agents), its reliability, accuracy, and relevance should be documented. It may be helpful to describe alternatives considered but rejected.

If a surrogate endpoint (a laboratory measurement or physical measurement or sign that is not a direct measure of clinical benefit) was used as a study endpoint, this should be justified, e.g., by reference to clinical data, publications, guidelines, or previous actions by regulatory authorities.

9.5.3 Primary Efficacy Variable(s)

The primary measurements and endpoints used to determine efficacy should be clearly specified. Although the critical efficacy measurements may seem obvious, when there are multiple variables or when variables are measured repeatedly, the protocol should identify the primary ones with an explanation of why they were chosen, or designate the pattern of significant findings or other method of combining information that would be interpreted as supporting efficacy.

If the protocol did not identify the primary variables, the study report should explain how these critical variables were selected (e.g., by reference to publications, guidelines, or previous actions by regulatory authorities) and when they were identified (i.e., before or after the study was completed and unblinded). If an efficacy threshold was defined in the protocol, this should be described.

9.5.4 Drug Concentration Measurements

Any drug concentrations to be measured and the sample collection times and periods in relation to the timing of drug administration should be described. Any relation of drug administration and sampling to ingestion of food, posture, and the possible effects of concomitant medication/alcohol/caffeine/nicotine should also be addressed. The biological sample measured, the handling of samples and the method of measurement used should be described, referring to published and/or internal assay validation documentation for methodological details. Where other factors are believed important in assessing pharmacokinetics (e.g., soluble circulating receptors, renal or hepatic function), the timing and plans to measure these factors should also be specified.

9.6 Data Quality Assurance

The quality assurance and quality control systems implemented to assure the quality of the data should be described in brief. If none were used, this should be stated. Documentation of inter-laboratory standardization methods and quality assurance procedures, if used, should be provided under Appendix 16.1.10.

Any steps taken at the investigation site or centrally to ensure the use of standard terminology and the collection of accurate, consistent, complete, and reliable data, such as training sessions, monitoring of investigators by sponsor personnel, instruction manuals, data verification, cross-checking, use of a central laboratory for certain tests, centralized ECG reading, or data audits, should be described. It should be noted whether investigator meetings or other steps were taken to prepare investigators and standardize performance.

If the sponsor used an independent internal or external auditing procedure, it should be mentioned here and described in Appendix 16.1.8; audit certificates, if available, should be provided in the same appendix.

9.7 Statistical Methods Planned in the Protocol and Determination of Sample Size

9.7.1 Statistical and Analytical Plans

The statistical analyses planned in the protocol and any changes made before outcome results were available should be described. In this section, emphasis should be on which analyses, comparisons, and statistical tests were planned, not on which ones were actually used. If critical measurements were made more than once, the particular measurements (e.g., average of several measurements over the entire study, values at particular times, values only from study completers, or last on-therapy value) planned as the basis for comparison of test drug/investigational product and control should be specified. Similarly, if more than one analytical approach is plausible, e.g., changes from baseline response, slope analysis, life-table analysis, the planned approach should be identified. Also, whether the primary analysis is to include adjustment for covariates should be specified.

If there were any planned reasons for excluding from analysis patients for whom data are available, these should be described. If there were any subgroups whose results were to be examined separately, these should be identified. If categorical responses (global scales, severity scores, responses of a certain size) were to be used in analyzing responses, they should be clearly defined.

Planned monitoring of the results of the study should be described. If there was a data monitoring committee, either within or outside the sponsor's control, its composition and operating procedures should be described and procedures to maintain study blinding should be given. The frequency and nature of any planned interim analysis, any specified circumstances in which the study would be terminated, and any statistical adjustments to be employed because of interim analyses should be described.

9.7.2 Determination of Sample Size

The planned sample size and the basis for it, such as statistical considerations or practical limitations, should be provided. Methods for sample size calculation should be given together with their derivations or source of reference. Estimates used in the calculations should be given, and explanations should be provided as to how they were obtained. For a study intended to show a difference between treatments, the difference the study is designed to detect should be specified. For a positive control study intended to show that a new therapy is at least as effective as the standard therapy, the sample size determination should specify the difference between treatments that would be considered unacceptably large and, therefore, the difference the study is designed to be able to exclude.

9.8 Changes in the Conduct of the Study or Planned Analyses

Any change in the conduct of the study or planned analyses (e.g., dropping a treatment group, changing the entry criteria or drug dosages, adjusting the sample size) instituted after the start of the study should be described. The time(s) and reason(s) for the change(s), the procedure used to decide on the change(s), the person(s) or group(s) responsible for the change(s) and the nature and content of the data available (and to whom they were available) when the change was made should also be described, whether the change was documented as a formal protocol amendment or not. Personnel changes need not be included. Any possible implications of the change(s) for the interpretation of the study should be discussed briefly in this section and more fully in other appropriate sections of the report. In every section of the report, a clear distinction between conditions (procedures) planned in the protocol and amendments or additions should be made. In general, changes in planned analyses made prior to breaking the blind have limited implications for study interpretation. It is therefore particularly critical that the timing of changes relative to blind breaking and availability of outcome results be well characterized.

10. Study Patients

10.1 Disposition of Patients

There should be a clear accounting of all patients who entered the study, using figures or tables in the text of the report. The numbers of patients who were randomized and who entered and completed each phase of the study (or each week/month of the study) should be provided, as well as the reasons for all postrandomization discontinuations, grouped by treatment and by major reason (e.g., lost to followup,

adverse event, poor compliance). It may also be relevant to provide the number of patients screened for inclusion and a breakdown of the reasons for excluding patients during screening, if this could help clarify the appropriate patient population for eventual drug use. A flow chart is often helpful (see Annexes IVa and IVb for examples). Whether patients are followed for the duration of the study, even if drug is discontinued, should be made clear.

In Appendix 16.2.1, there should also be a listing of all patients discontinued from the study after enrollment, broken down by center and treatment group, giving a patient identifier, the specific reason for discontinuation, the treatment (drug and dose), cumulative dose (where appropriate), and the duration of treatment before discontinuation. Whether or not the blind for the patient was broken at the time of discontinuation should be noted. It may also be useful to include other information, such as critical demographic data (e.g., age, sex, race), concomitant medication, and the major response variable(s) at termination. See Annex V for an example of such a listing.

10.2 Protocol Deviations

All important deviations related to study inclusion or exclusion criteria, conduct of the trial, patient managements or patient assessment should be described.

In the body of the text, protocol deviations should be appropriately summarized by center and grouped into different categories, such as:

- Those who entered the study even though they did not satisfy the entry criteria.
- Those who developed withdrawal criteria during the study but were not withdrawn.
- Those who received the wrong treatment or incorrect dose.
- Those who received an excluded concomitant treatment.

In Appendix 16.2.2, individual patients with these protocol deviations should be listed, broken down by center for multicenter studies.

11. Efficacy Evaluation

11.1 Data Sets Analyzed

Exactly which patients were included in each efficacy analysis should be precisely defined, e.g., all patients receiving any test drugs/investigational products, all patients with any efficacy observation or with a certain minimum number of observations, only patients completing the trial, all patients with an observation during a particular time window, or only patients with a specified degree of compliance. It should be clear, if not defined in the study protocol, when (relative to study unblinding) and how inclusion/exclusion criteria for the data sets analyzed were developed. Generally, even if the applicant's proposed primary analysis is based on a reduced subset of the patients with data, there should also be, for any trial intended to establish efficacy, an additional analysis using all randomized (or otherwise entered) patients with any on-treatment data.

There should be a tabular listing of all patients, visits, and observations excluded from the efficacy analysis provided in Appendix 16.2.3 (see Annex VI for an example). The reasons for exclusions should also be analyzed for the whole treatment group over time (see Annex VII for an example).

11.2 Demographic and Other Baseline Characteristics

Group data for the critical demographic and baseline characteristics of the patients, as well as other factors arising during the study that could affect response, should be presented in this section and comparability of the treatment groups for all relevant characteristics should be displayed by use of tables or graphs in section 14.1. The data for the patient sample included in the ''all patients with data'' analysis should be given first. This may be followed by data on other groups used in principal analyses, such as the ''per-protocol'' analysis or other analyses, e.g., groups defined by compliance, concomitant disease/therapy, or demographic/baseline characteristics. When such groups are used, data for the complementary excluded group should also be shown. In a multicenter study, where appropriate, comparability should be assessed by center, and centers should be compared.

A diagram showing the relationship between the entire sample and any other analysis groups should be provided.

The critical variables will depend on the specific nature of the disease and on the protocol but will usually include:

- Demographic variables:
  - Age
  - Sex
  - Race
- Disease factors:
  - Specific entry criteria (if not uniform), duration, stage and severity of disease, and other clinical classifications and subgroupings in common usage or of known prognostic significance.
  - Baseline values for critical clinical measurements carried out during the study or identified as important indicators of prognosis or response to therapy.
  - Concomitant illness at trial initiation, such as renal disease, diabetes, heart failure.
  - Relevant previous illness.
  - Relevant previous treatment for illness treated in the study.
  - Concomitant treatment maintained, even if the dose was changed during the study, including oral contraceptive and hormone replacement therapy; treatments stopped at entry into the study period (or changed at study initiation).
- Other factors that might affect response to therapy (e.g., weight, renin status, antibody levels, metabolic status).
- Other possibly relevant variables (e.g., smoking, alcohol intake, special diets) and, for women, menstrual status and date of last menstrual period, if pertinent for the study.

In addition to tables and graphs giving group data for these baseline variables, relevant individual patient demographic and baseline data, including laboratory values, and all concomitant medication for all individual patients randomized (broken down by treatment and by center for multicenter studies) should be presented in by-patient tabular listings in Appendix 16.2.4. Although some regulatory authorities will require all baseline data to be presented elsewhere in tabular listings, the Appendix to the study report should be limited to only the most relevant data, generally the variables listed above.

11.3 Measurements of Treatment Compliance

Any measurements of compliance of individual patients with the treatment regimen under study and drug concentrations in body fluids should be summarized, analyzed by treatment group and time interval, and tabulated in Appendix 16.2.5.

11.4 Efficacy Results and Tabulations of Individual Patient Data

11.4.1 Analysis of Efficacy

Treatment groups should be compared for all critical measures of efficacy (primary and secondary endpoints; any pharmacodynamic endpoints studied), as well as benefit/risk assessment(s) in each patient where these are utilized. In general, the results of all analyses contemplated in the protocol and an analysis including all patients with on-study data should be performed in studies intended to establish efficacy. The analysis should show the size (point estimate) of the difference between the treatments, the associated confidence interval, and, where utilized, the results of hypothesis testing.

Analyses based on continuous variables (e.g., mean blood pressure or depression scale score) and categorical responses (e.g., cure of an infection) can be equally valid; ordinarily both should be presented if both were planned and are available. If categories are newly created (i.e., not in the statistical plan) the basis for them should be explained. Even if one variable receives primary attention (e.g., in a blood pressure study, supine blood pressure at week ''x''), other reasonable measures (e.g., standing blood pressure and blood pressures at other particular times) should be assessed, at least briefly. In addition, the time course of response should be described, if possible. For a multicenter study, where appropriate, data display and analysis of individual centers should be included for critical variables to give a clear picture of the results at each site, especially the larger sites.

If any critical measurements or assessments of efficacy or safety outcomes were made by more than one party (e.g., both the investigator and an expert committee may offer an opinion on whether a patient had an acute infarction), overall differences between the ratings should be shown, and each patient having disparate assessments should be identified. The assessments used should be clear in all analyses.

In many cases, efficacy and safety endpoints are difficult to distinguish (e.g., deaths in a fatal disease study). Many of the principles addressed below should be adopted for critical safety measures as well.

11.4.2 Statistical/Analytical Issues

The statistical analysis used should be described for clinical and statistical reviewers in the text of the report, with detailed documentation of statistical methods (see Annex IX) presented in Appendix 16.1.9. Important features of the analysis, including the particular methods used, adjustments made for demographic or baseline measurements or concomitant therapy, handling of dropouts and missing data, adjustments for multiple comparisons, special analyses of multicenter studies, and

adjustments for interim analyses, should be discussed. Any changes in the analysis made after blind-breaking should be identified.

In addition to the general discussion, the following specific issues should be addressed (unless not applicable):

11.4.2.1 Adjustments for Covariates

Selection of, and adjustments for, demographic or baseline measurements, concomitant therapy, or any other covariates or prognostic factors should be explained in the report, and methods of adjustment, results of analyses, and supportive information (e.g., ANCOVA or Cox regression output) should be included in the detailed documentation of statistical methods. If the covariates or methods used in these analyses differed from those planned in the protocol, the differences should be explained and, where possible and relevant, the results of planned analyses should also be presented. Although not part of the individual study report, comparisons of covariate adjustments and prognostic factors across individual studies may be an informative analysis in a summary of clinical efficacy data.

11.4.2.2 Handling of Dropouts or Missing Data

There are several factors that may affect dropout rates. These include the duration of the study, the nature of the disease, the efficacy and toxicity of the drug under study, and other factors that are not therapy-related. Ignoring the patients who dropped out of the study and drawing conclusions based only on patients who completed the study can be misleading. A large number of dropouts, however, even if included in an analysis, may introduce bias, particularly if there are more early dropouts in one treatment group or the reasons for dropping out are treatment or outcome related. Although the effects of early dropouts, and sometimes even the direction of bias, can be difficult to determine, possible effects should be explored as fully as possible. It may be helpful to examine the observed cases at various times or, if dropouts were very frequent, to concentrate on analyses at times when most of the patients were still under observation and when the full effect of the drug was realized. It may also be helpful to examine modeling approaches to the evaluation of such incomplete data sets.

The results of a clinical trial should be assessed not only for the subset of patients who completed the study, but also for the entire patient population as randomized or at least for all those with any on-study measurements. Several factors should be considered and compared for the treatment groups in analyzing the effects of dropouts: The reasons for the dropouts, the time to dropout, and the proportion of dropouts among treatment groups at various time points.

Procedures for dealing with missing data, e.g., use of estimated or derived data, should be described. Detailed explanation should be provided as to how such estimations or derivations were done and what underlying assumptions were made.

11.4.2.3 Interim Analyses and Data Monitoring

The process of examining and analyzing data accumulating in a clinical trial, either formally or informally, can introduce bias and/or increase type I error. Therefore, all interim analyses, formal or informal, preplanned or ad hoc, by any study participant, sponsor staff member, or data monitoring group should be described in full, even if the treatment groups were not identified. The need for statistical adjustment because of such analyses should be addressed. Any operating instructions or procedures used for such analyses should be described. The minutes of meetings of any data monitoring group and any data reports reviewed at those meetings, particularly a meeting that led to a change in the protocol or early termination of the study, may be helpful and should be provided in Appendix 16.1.9. Data monitoring without code-breaking should also be described, even if this kind of monitoring is considered to cause no increase in type I error.

11.4.2.4 Multicenter Studies

A multicenter study is a single study under a common protocol, involving several centers (e.g., clinics, practices, hospitals) where the data collected are intended to be analyzed as a whole (as opposed to a post-hoc decision to combine data or results from separate studies). Individual center results should be presented, however, where appropriate, e.g., when the centers have sufficient numbers of patients to make such analysis potentially valuable, the possibility of qualitative or quantitative treatment-by-center interaction should be explored. Any extreme or opposite results among centers should be noted and discussed, considering such possibilities as differences in study conduct, patient characteristics, or clinical settings. Treatment comparison should include analyses that allow for center differences with respect to response. If appropriate, demographic, baseline, and postbaseline data, as well as efficacy data, should be presented by center, even though the combined analysis is the primary one.

11.4.2.5 Multiple Comparisons/Multiplicity

False/positive findings increase in number as the number of significance tests (number of comparisons) performed increases. If there was more than one primary endpoint (outcome variable) or more than one analysis of particular endpoint, or if there were multiple treatment groups or subsets of the patient population being examined, the statistical analysis should reflect awareness of this and either explain the statistical adjustment used for type I error criteria or give reasons why it was considered unnecessary.

11.4.2.6 Use of an ''Efficacy Subset'' of Patients

Particular attention should be devoted to the effects of dropping patients with available data from analyses because of poor compliance, missed visits, ineligibility, or any other reason. As noted above, an analysis using all available data should be carried out for all studies intended to establish efficacy, even if it is not the analysis proposed as the primary analysis by the applicant. In general, it is advantageous to demonstrate robustness of the principal trial conclusions with respect to alternative choices of patient populations for analysis. Any substantial differences resulting from the choice of patient population for analysis should be the subject of explicit discussion.

11.4.2.7 Active-Control Studies Intended to Show Equivalence

If an active control study is intended to show equivalence (i.e., lack of a difference greater than a specified size) between the test drug/investigational product and the active control/comparator, the analysis should show the confidence interval for the comparison between the two agents for critical endpoints and the relation of that interval to the prespecified degree of inferiority that would be considered unacceptable. (See section 9.2 for important considerations when using the active control equivalence design.)

11.4.2.8 Examination of Subgroups

If the size of the study permits, important demographic or baseline value-defined subgroups should be examined for unusually large or small responses and the results presented, e.g., comparison of effects by age, sex, or race; by severity or prognostic groups; and by history of prior treatment with a drug of the same class. If these analyses were not carried out because the study was too small, it should be noted. These analyses are not intended to ''salvage'' an otherwise nonsupportive study but may suggest hypotheses worth examining in other studies or be helpful in refining labeling information, patient selection, or dose selection. Where there is a prior hypothesis of a differential effect in a particular subgroup, this hypothesis and its assessment should be part of the planned statistical analysis.

11.4.3 Tabulation of Individual Response Data

In addition to tables and graphs representing group data, individual response data and other relevant study information should be presented in tables. Some regulatory authorities may require all individual data in archival case report tabulations. What needs to be included in the report will vary from study to study and from one drug class to another, and the applicant must decide, if possible after consultation with the regulatory authority, what to include in an Appendix to the study report. The study report should indicate what material is included as an Appendix, what is in the more extensive archival case report tabulations, if required by the regulatory authority, and what is available on request.

For a controlled study in which critical efficacy measurements or assessments (e.g., blood or urine cultures, pulmonary function tests, angina frequency, or global evaluations) are repeated at intervals, the data listings accompanying the report should include, for each patient, a patient identifier, all measured or observed values of critical measurements, including baseline measurements, with notation of the time during the study (e.g., days on therapy and time of day, if relevant) when the measurements were made, the drug/dose at the time (if useful, given as milligram per kilogram (mg/kg)), any measurements of compliance, and any concomitant medications at the time of, or close to the time of, measurement or assessment. If, aside from repeated assessments, the study included some overall responder versus

nonresponder evaluation(s) (bacteriologic cure or failure), it should also be included. In addition to critical measurements, the tabulation should note whether the patient was included in the efficacy evaluation (and which evaluation, if more than one), provide patient compliance information, if collected, and a reference to the location of the case report form, if included. Critical baseline information such as age, sex, and weight; disease being treated (if more than one in study); and disease stage or severity is also helpful. The baseline values for critical measurements would ordinarily be included as zero time values for each efficacy measurement.

The tabulation described should usually be included in Appendix 16.2.6 of the study report, rather than in the more extensive case report tabulations required by some regulatory authorities, because it represents the basic efficacy data supporting summary tables. Such a thorough tabulation can be unwieldy for review purposes, however, and it is expected that more targeted displays will be developed as well. For example, if there are many measurements reported, tabulations of the most critical measurements for each patient (e.g., the blood pressure value at certain visits might be more important than others) will be useful in providing an overview of each individual's results in a study, with each patient's response summarized on a single line or small number of lines.

11.4.4 Drug Dose, Drug Concentration, and Relationships to Response

When the dose in each patient can vary, the actual doses received by patients should be shown and individual patient's doses should be tabulated. Although studies not designed as dose-response studies may have limited ability to contribute dose-response information, the available data should be examined for whatever information they can yield. In examining the dose response, it may be helpful to calculate dose as mg/kg body weight or milligram per square meter (mg/m2) body surface.

Drug concentration information, if available, should also be tabulated (Appendix 16.2.5), analyzed in pharmacokinetic terms, and, if possible, related to response.

Further guidance on the design and analysis of studies exploring dose-response or concentration response can be found in the ICH Guideline entitled ''Dose-Response Information to Support Drug Registration.''

11.4.5 Drug-Drug and Drug-Disease Interactions

Any apparent relationship between response and concomitant therapy and between response and past and/or concurrent illness should be described.

11.4.6 By-Patient Displays

While individual patient data ordinarily can be displayed in tabular listings, it has on occasion been helpful to construct individual patient profiles in other formats, such as graphic displays. These might, for example, show the value of a particular parameter(s) over time, the drug dose over the same period, and the times of particular events (e.g., an adverse event or change in concomitant therapy). Where group mean data represent the principal analyses, this kind of ''case report extract'' may offer little advantage; it may be helpful, however, if overall evaluation of individual responses is a critical part of the analysis.

11.4.7 Efficacy Conclusions

The important conclusions concerning efficacy should be concisely described, considering primary and secondary endpoints, prespecified and alternative statistical approaches, and results of exploratory analyses.

12. Safety Evaluation

Analysis of safety-related data can be considered at three levels. First, the extent of exposure (dose, duration, number of patients) should be examined to determine the degree to which safety can be assessed from the study. Second, the more common adverse events and laboratory test changes should be identified, classified in some reasonable way, compared for treatment groups, and analyzed, as appropriate, for factors that may affect the frequency of adverse reactions/events, such as time dependence, relation to demographic characteristics, relation to dose or drug concentration. Finally, serious adverse events and other significant adverse events should be identified, usually by close examination of patients who left the study prematurely because of an adverse event, whether or not identified as drug related, or who died.

The ICH Guideline entitled ''Clinical Safety Data Management: Definitions and Standards for Expedited Reporting'' defines serious adverse events as follows: ''A serious adverse event (experience) or reaction is any untoward medical occurrence that at any dose: results in death, is life-threatening, requires inpatient hospitalization or prolongation of existing hospitalization, results in persistent or significant disability/incapacity, or is a congenital anomaly/birth defect.''

For the purpose of this guideline, ''other significant adverse events'' are marked hematological and other laboratory abnormalities and any adverse events that led to an intervention, including withdrawal of drug treatment, dose reduction, or significant additional concomitant therapy.

In the following sections, three kinds of analysis and display are called for:

(1) Summarized data, often using tables and graphical presentations presented in the main body of the report;

(2) Listings of individual patient data; and

(3) Narrative statements of events of particular interest.

In all tabulations and analyses, events associated with both test drug and control treatment should be displayed.

12.1 Extent of Exposure

The extent of exposure to test drugs/investigational products (and to active control and placebo) should be characterized according to the number of patients exposed, the duration of exposure, and the dose to which they were exposed.

• *Duration*: Duration of exposure to any dose can be expressed as a median or mean, but it is also helpful to describe the number of patients exposed for specified periods of time, such as for 1 day or less, 2 days to 1 week, more than 1 week to 1 month, more than 1 month to 6 months. The numbers exposed to test drug(s)/investigational product(s) for the various durations should also be broken down into age, sex, and racial subgroups, and any other pertinent subgroups, such as groups defined by disease (if more than one is represented), disease severity, or concurrent illness.

• *Dose*: The mean or median dose used and the number of patients exposed to specified daily dose levels should be given; the daily dose levels used could be the maximum dose for each patient, the dose with longest exposure for each patient, or the mean daily dose. It is often useful to provide combined dose-duration information, such as the numbers exposed for a given duration (e.g., at least 1 month) to the most common dose, the highest dose, or the maximum recommended dose. In some cases, cumulative dose might be pertinent. Dosage may be given as the actual daily dose or on a mg/kg or mg/m^2 basis, as appropriate. The number of patients exposed to various doses should be broken down into age, sex, racial, and any other pertinent subgroups.

• *Drug concentration*: If available, drug concentration data (e.g., concentration at the time of an event, maximum plasma concentration, area under curve) may be helpful in individual patients for correlation with adverse events or changes in laboratory variables. (Appendix 16.2.5.)

It is assumed that all patients entered into treatment who received at least one dose of the treatment are included in the safety analysis; if not, an explanation should be provided.

12.2 Adverse Events

12.2.1 Brief Summary of Adverse Events

The overall adverse event experience in the study should be described in a brief narrative, supported by the following more detailed tabulations and analyses. In these tabulations and analyses, events associated with both the test drug and control treatment should be displayed.12.2.2 Display of Adverse Events

All adverse events occurring after initiation of study treatments (including events likely to be related to the underlying disease or likely to represent concomitant illness, unless there is a prior agreement with the regulatory authority to consider specified events as disease related) should be displayed in summary tables (section 14.3.1). The tables should include changes in vital signs and any laboratory changes that were considered serious adverse events or other significant adverse events.

In most cases, it will also be useful to identify in such tables ''treatment emergent signs and symptoms'' (TESS: events not seen at baseline and events that worsened even if present at baseline).

The tables should list each adverse event, the number of patients in each treatment group in whom the event occurred, and the rate of occurrence. When treatments are cyclical, e.g., cancer chemotherapy, it may also be helpful to list results separately for each cycle. Adverse events should be grouped by body system. Each event may then be divided into defined severity categories (e.g., mild, moderate, severe) if these were used. The tables may also divide

the adverse events into those considered at least possibly related to drug use and those considered not related, or use another causality scheme (e.g., unrelated or possibly, probably, or definitely related). Even when such a causality assessment is used, the tables should include all adverse events, whether or not considered drug related, including events thought to represent intercurrent illnesses. Subsequent analyses of the study or of the overall safety data base may help to distinguish between adverse events that are, or are not, considered drug related. So that it is possible to analyze and evaluate the data in these tables, it is important to identify each patient having each adverse event. An example of such a tabular presentation is shown below.

ADVERSE EVENTS: NUMBER OBSERVED AND RATE, WITH PATIENT IDENTIFICATIONS

Treatment Group X N=50

	Mild		Moderate		Severe		Total		Total
	Related[1]	NR[1]	Related	NR	Related	NR	Related	NR	R+NR
Body System A Event 1	6(12%) N11[2] N12 N13 N14 N15 N16	2(4%) N21 N22	3(6%) N31 N32 N33	1(2%) N41	3(6%) N51 N52 N53	1(2%) N61	12(24%)	4(8%)	
Event 2									

[1]NR = not related; related could be expanded, e.g., as definite, probable, possible.
[2]Patient identification number.

In addition to these complete tables provided in section 14.3.1, an additional summary table comparing treatment and control groups, without the patient identifying numbers and limited to relatively common adverse events (e.g., those in at least 1 percent of the treated group), should be provided in the body of the report.

In presenting adverse events, it is important both to display the original terms used by the investigator and to attempt to group related events (i.e., events that probably represent the same phenomenon), so that the true occurrence rate is not obscured. One way to do this is with a standard adverse reaction/events dictionary.

12.2.3 Analysis of Adverse Events

The basic display of adverse event rates described in section 12.2.2 (and located in section 14.3.1) of the report should be used to compare rates in treatment and control groups. For this analysis, it may be helpful to combine the event severity categories and the causality categories, leading to a simpler side-by-side comparison of treatment groups. In addition, although this is usually best done in an integrated analysis of safety, if study size and design permit, it may be useful to examine the more common adverse events that seem to be drug related for relationship to dosage and mg/kg or mg/m^2 dose; dose regimen; duration of treatment; total dose; demographic characteristics such as age, sex, race; other baseline features such as renal status, efficacy outcomes, and drug concentration. It may also be useful to examine time of onset and duration of adverse events. A variety of additional analyses may be suggested by the study results or by the pharmacology of the test drug/investigational product.

It is not intended that every adverse event be subjected to rigorous statistical evaluation. It may be apparent from initial display and inspection of the data that a significant relation to demographic or other baseline features is not present. If the studies are small and if the number of events is relatively small, it may be sufficient to limit analyses to a comparison of treatment and control.

Under certain circumstances, life table or similar analyses may be more informative than reporting of crude adverse event rates. When treatments are cyclical, e.g., cancer chemotherapy, it may also be helpful to analyze results separately for each cycle.

12.2.4 Listing of Adverse Events by Patient

All adverse events for each patient, including the same event on several occasions, should be listed in Appendix 16.2.7, giving both preferred term and the original term used by the investigator. The listing should be by investigator and by treatment group and should include:

- Patient identifier.
- Age, race, sex, weight (height, if relevant).
- Location of case report forms, if provided.
- The adverse event (preferred term, reported term).
- Duration of the adverse event.
- Severity (e.g., mild, moderate, severe).
- Seriousness (serious/nonserious).
- Action taken (none, dose reduced, treatment stopped, specific treatment instituted, and so forth).
- Outcome (e.g., CIOMS format).
- Causality assessment (e.g., related/not related). How this was determined should be described in the table or elsewhere.
- Date of onset or date of clinic visit at which the event was discovered.
- Timing of onset of the adverse event in relation to the last dose of the test drug/ investigational product (when applicable).
- Study treatment at the time of event or the most recent study treatment taken.
- Test drug/investigational product dose in absolute amount, mg/kg or mg/m^2, at time of event.
- Drug concentration (if known).
- Duration of test drug/investigational product treatment.
- Concomitant treatment during study.

Any abbreviations and codes should be clearly explained at the beginning of the listing or, preferably, on each page.

12.3 Deaths, Other Serious Adverse Events, and Other Significant Adverse Events

Deaths, other serious adverse events, and other significant adverse events deserve special attention.

12.3.1 Listing of Deaths, Other Serious Adverse Events, and Other Significant Adverse Events

Listings, containing the same information as called for in section 12.2.4, should be provided for the following events.

12.3.1.1 Deaths

All deaths during the study, including the post-treatment followup period, and deaths that resulted from a process that began during the study, should be listed by patient in section 14.3.2.

12.3.1.2 Other Serious Adverse Events

All serious adverse events (other than death but including the serious adverse events temporally associated with or preceding the deaths) should be listed in section 14.3.2. The listing should include laboratory abnormalities, abnormal vital signs, and abnormal physical observations that were considered serious adverse events.

12.3.1.3 Other Significant Adverse Events

Marked hematological and other laboratory abnormalities (other than those meeting the definition of serious) and any events that led to an intervention, including withdrawal of test drug/investigational product treatment, dose reduction, or significant additional concomitant therapy, other than those reported as serious adverse events, should be listed in section 14.3.2.

12.3.2 Narratives of Deaths, Other Serious Adverse Events, and Certain Other Significant Adverse Events

There should be a brief narrative describing each death, other serious adverse event, and other significant adverse event that is judged to be of special interest because of clinical importance. These narratives can be placed either in the text of the report or in section 14.3.3, depending on their number. Events that were clearly unrelated to the test drug/investigational product may be omitted or described very briefly. In general, the narrative should describe the following: The nature and intensity of event; the clinical course leading up to event, with an indication of timing relevant to test drug/investigational product administration; relevant laboratory measurements; whether the drug was stopped, and when; countermeasures; post-mortem findings; investigator's opinion on causality and sponsor's opinion on causality, if appropriate.

In addition, the following information should be included:

- Patient identifier.
- Age and sex of patient; general clinical condition of patient, if appropriate.
- Disease being treated (this is not required if it is the same for all patients) with duration (of current episode) of illness.
- Relevant concomitant/previous illnesses with details of occurrence/ duration.
- Relevant concomitant/previous medication with details of dosage.
- Test drug/investigational product administered; drug dose, if this varied among patients; and length of time administered.

12.3.3 Analysis and Discussion of Deaths, Other Serious Adverse Events, and Other Significant Adverse Events

The significance of the deaths, other serious adverse events, and other significant adverse events leading to withdrawal, dose reduction, or institution of concomitant therapy should be assessed with respect to the safety of the test drug/investigational product. Particular attention should be paid to whether any of these events may represent a previously unsuspected important adverse effect of the test drug/investigational product. For serious adverse events that appear of particular importance, it maybe useful to use life table or similar analyses to show their relation to time on test drug/investigational product and to assess their risk over time.

12.4 Clinical Laboratory Evaluation

12.4.1 Listing of Individual Laboratory Measurements by Patient (Appendix 16.2.8) and Each Abnormal Laboratory Value (section 14.3.4)

When required by regulatory authorities, the results of all safety-related laboratory tests should be available in tabular listings, using a display similar to the following, where each row represents a patient visit at which a laboratory study was done, with patients grouped by investigator (if more than one) and treatment group, and columns include critical demographic data, drug dose data, and the results of the laboratory tests. Because not all tests can be displayed in a single table, they should be grouped logically (e.g., hematological tests, liver chemistries, electrolytes, urinalysis). Abnormal values should be identified, e.g., by underlining or bracketing. These listings should be submitted as part of the registration/ marketing application, when this is required, or may be available on request.

List of Laboratory Measurement

							Laboratory Tests			
Patient	Time	Age	Sex	Race	Weight	Dose	SGOT	SGPT	AP	X
#1	T0 T1 T2 T3	70	M	W	70 kg	400 mg	V1† V2 V3 V4	V5 V6 V7 V8	V9 V10 V11 V12	
#2	T10 T21 T32	65	F	B	50 kg	300 mg	V13 V14 V15	V16 V17 V18	V19 V20 V21	

† Vn = value of particular test

For all regulatory authorities, there should be a by-patient listing of all abnormal laboratory values in section 14.3.4, using the format described above. For laboratory abnormalities of special interest (abnormal laboratory values of potential clinical importance), it may also be useful to provide additional data, such as normal values before and after the abnormal value, and values of related laboratory tests. In some cases, it may be desirable to exclude certain abnormal values from further analysis. For example, single, nonreplicated, small abnormalities of some tests (e.g., uric acid or electrolytes) or occasional low values of some tests (e.g., transaminase, alkaline phosphatase, or BUN) can probably be defined as clinically insignificant and excluded. Any such decisions should be clearly explained, however, and the complete list of values provided (or available to authorities on request) should identify every abnormal value.

12.4.2 Evaluation of Each Laboratory Parameter

The necessary evaluation of laboratory values will in part be determined by the results seen, but, in general, the following analyses should be provided. For each analysis, comparison of the treatment and control groups should be carried out, as appropriate and compatible with study size. In addition, normal laboratory ranges should be given for each analysis.

12.4.2.1 Laboratory Values Over Time

For each parameter at each time over the course of the study (e.g., at each visit) the following should be described: The group mean or median values, the range of values, and the number of patients with abnormal values or with abnormal values that are of a certain size (e.g., twice the upper limit of normal or five times the upper limit; choices should be explained). Graphs may be used.

12.4.2.2 Individual Patient Changes

An analysis of individual patient changes by treatment group should be given. A variety of approaches may be used, including:

I. ''Shift tables'' - These tables show the number of patients who are low, normal, or high at baseline and at selected time intervals.

II. Tables showing the number or fraction of patients who had a change in parameter of a predetermined size at selected time intervals. For example, for BUN, it might be decided that a change of more than 10 mg/dL BUN should be noted. For this parameter, the number of patients having a smaller or greater change would be shown for one or more visits, usually grouping patients separately depending on baseline BUN (normal or elevated). The possible advantage of this display, compared to the usual shift table, is that changes of a certain size are noted, even if the final value is not abnormal.

III. A graph comparing the initial value and the on-treatment values of a laboratory measurement for each patient by locating the point defined by the initial value on the abscissa and a subsequent value on the ordinate. If no changes occur, the point representing each patient will be located on the 45° line. A general shift to higher values will show a clustering of points above the 45° line. As this display usually shows only a single time point for a single treatment, interpretation requires a time series of these plots for treatment and control groups. Alternatively, the display could show baseline and most extreme on-treatment value. These displays identify outliers

readily (it is useful to include patient identifiers for the outliers).

12.4.2.3 Individual Clinically Significant Abnormalities

Clinically significant changes (defined by the applicant) should be discussed. A narrative of each patient whose laboratory abnormality was considered a serious adverse event and, in certain cases, considered an ''other significant adverse event,'' should be provided under section 12.3.2 or 14.3.3. When toxicity grading scales are used (e.g., WHO, NCI), changes graded as severe should be discussed regardless of seriousness. An analysis of the clinically significant changes, together with a recapitulation of discontinuations due to laboratory measurements, should be provided for each parameter. The significance of the changes and likely relation to the treatment should be assessed, e.g., by analysis of such features as relationship to dose, relationship to drug concentration, disappearance on continued therapy, positive dechallenge, positive rechallenge, and the nature of concomitant therapy.

12.5 Vital Signs, Physical Findings, and Other Observations Related to Safety

Vital signs, other physical findings, and other observations related to safety should be analyzed and presented in a way similar to laboratory variables. If there is evidence of a drug effect, any dose-response or drug-concentration-response relationship or relationship to patient variables (e.g., disease, demographics, concomitant therapy) should be identified and the clinical relevance of the observation described. Particular attention should be given to changes not evaluated as efficacy variables and to those considered to be adverse events.

12.6 Safety Conclusions

The overall safety evaluation of the test drug(s)/investigational product(s) should be reviewed, with particular attention to events resulting in changes of dose or need for concomitant medication, serious adverse events, events resulting in withdrawal, and deaths. Any patients or patient groups at increased risk should be identified and particular attention should be paid to potentially vulnerable patients who may be present in small numbers, e.g., children, pregnant women, frail elderly, people with marked abnormalities of drug metabolism or excretion. The implication of the safety evaluation for the possible uses of the drug should be described.

13. Discussion and Overall Conclusions

The efficacy and safety results of the study and the relationship of risks and benefits should be briefly summarized and discussed, referring to the tables, figures, and sections above as needed. The presentation should not simply repeat the description of results nor introduce new results.

The discussion and conclusions should clearly identify any new or unexpected findings, comment on their significance, and discuss any potential problems such as inconsistencies between related measures. The clinical relevance and importance of the results should also be discussed in the light of other existing data. Any specific benefits or special precautions required for individual subjects or at-risk groups and any implications for the conduct of future studies should be identified. Alternatively, such discussions may be reserved for summaries of safety and efficacy referring to the entire dossier (integrated summaries).

14. Tables, Figures, and Graphs Referred to but not Included in the Text

Figures should be used to visually summarize the important results, or to clarify results that are not easily understood from tables.

Important demographic, efficacy, and safety data should be presented in summary figures or tables in the text of the report. However, if these become obtrusive because of size or number they should be presented here, cross-referenced to the text, along with supportive, or additional, figures, tables, or listings.

The following information may be presented in this section of the core clinical study report:

14.1 Demographic Data Summary figures and tables.

14.2 Efficacy Data Summary figures and tables.

14.3 Safety Data Summary figures and tables.

14.3.1 Displays of Adverse Events

14.3.2 Listings of Deaths, Other Serious and Significant Adverse Events

14.3.3 Narratives of Deaths, Other Serious and Certain Other Significant Adverse Events

14.3.4 Abnormal Laboratory Value Listing (each patient)

15. Reference List

A list of articles from the literature pertinent to the evaluation of the study should be provided. Copies of important publications should be attached in an Appendix (Appendices 16.1.11 and 16.1.12). References should be given in accordance with the internationally accepted standards of the 1979 Vancouver Declaration on ''Uniform Requirements for Manuscripts Submitted to Biomedical Journals'' or the system used in ''Chemical Abstracts.''

16. Appendices

This section should be prefaced by a full list of all Appendices available for the study report. Where permitted by the regulatory authority, some of the following Appendices need not be submitted with the report but need to be provided only on request.

The applicant should therefore clearly indicate those Appendices that are submitted with the report.

N.B.: In order to have Appendices available on request, they should be finalized by the time of filing of the submission.

16.1 Study Information

16.1.1 Protocol and protocol amendments.

16.1.2 Sample case report form (unique pages only).

16.1.3 List of IEC's or IRB's (plus the name of the committee chair if required by the regulatory authority) and representative written information for patient and sample consent forms.

16.1.4 List and description of investigators and other important participants in the study, including brief (one page) CV's or equivalent summaries of training and experience relevant to the performance of the clinical study.

16.1.5 Signatures of principal or coordinating investigator(s) or sponsor's responsible medical officer, depending on the regulatory authority's requirement.

16.1.6 Listing of patients receiving test drug(s)/investigational product(s) from specific batches, where more than one batch was used.

16.1.7 Randomization scheme and codes (patient identification and treatment assigned).

16.1.8 Audit certificates (if available).

16.1.9 Documentation of statistical methods.

16.1.10 Documentation of inter-laboratory standardization methods and quality assurance procedures if used.

16.1.11 Publications based on the study.

16.1.12 Important publications referenced in the report.

16.2 Patient Data Listings

16.2.1 Discontinued patients.

16.2.2 Protocol deviations.

16.2.3 Patients excluded from the efficacy analysis.

16.2.4 Demographic data.

16.2.5 Compliance and/or drug concentration data (if available).

16.2.6 Individual efficacy response data.

16.2.7 Adverse event listings (each patient).

16.2.8 Listing of individual laboratory measurements by patient, when required by regulatory authorities.

16.3 Case Report Forms (CRF's)

16.3.1 CRF's for deaths, other serious adverse events, and withdrawals for adverse events.

16.3.2 Other CRF's submitted.

16.4 Individual Patient Data Listings (U.S. Archival Listings)

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SYNOPSIS

ANNEX I

Name of Sponsor/Company:	Individual Study Table Referring to Part of the Dossier	*(For National Authority Use only)*
Name of Finished Product:	Volume:	
Name of Active Ingredient:	Page:	

Title of Study:	
Investigators:	
Study centre(s):	
Publication (reference)	
Studied period (years): (date of first enrolment) (date of last completed)	Phase of development:
Objectives:	
Methodology:	
Number of patients (planned and analysed):	
Diagnosis and main criteria for inclusion:	
Test product, dose and mode of administration, batch number:	
Duration of treatment:	
Reference therapy, dose and mode of administration, batch number	

<table>
<tr><td>Name of Sponsor/Company:</td><td rowspan="3">Individual Study Table
Referring to Part
of the Dossier

Volume:

Page:</td><td rowspan="3">(For National Authority
Use Only)</td></tr>
<tr><td>Name of Finished Product:</td></tr>
<tr><td>Name of Active Ingredient:</td></tr>
<tr><td colspan="3">Criteria for evaluation:
<u>Efficacy</u>:

<u>Safety</u>:</td></tr>
<tr><td colspan="3">Statistical methods:</td></tr>
</table>

SUMMARY - CONCLUSIONS

EFFICACY RESULTS:

SAFETY RESULTS:

CONCLUSION:

Date of the report:

ANNEX II

PRINCIPAL OR COORDINATING INVESTIGATOR(S) SIGNATURE(S)

OR SPONSOR'S RESPONSIBLE MEDICAL OFFICER

STUDY TITLE: .....

STUDY AUTHOR(S): .....

I have read this report and confirm that to the best of my knowledge it accurately describes the conduct and results of the study

INVESTIGATOR:_____ SIGNATURE(S)_____

OR SPONSOR'S RESPONSIBLE MEDICAL OFFICER

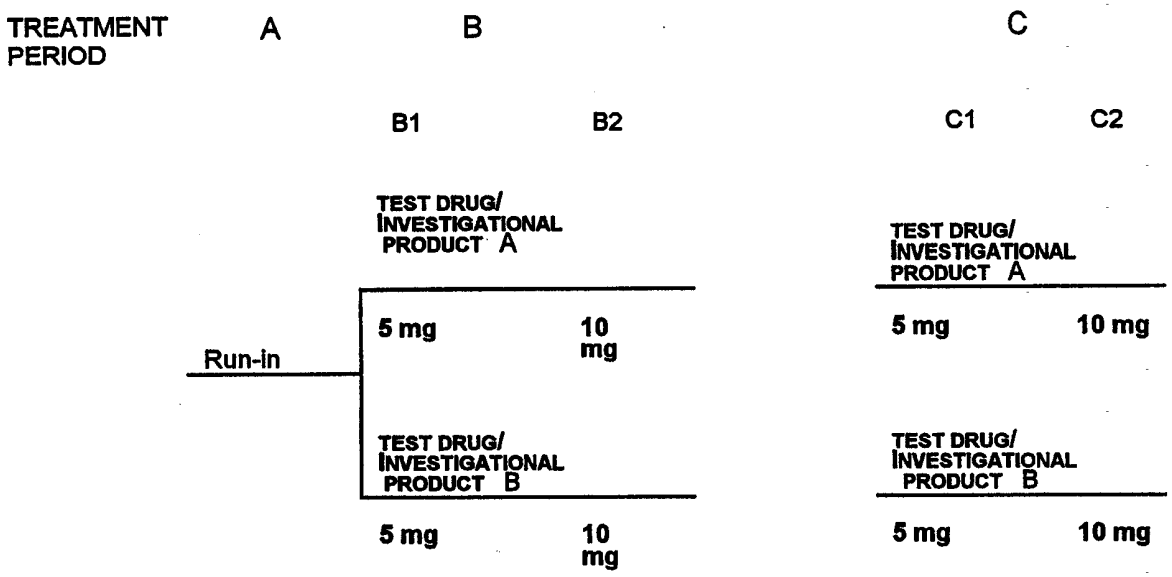
AFFILIATION:_____ _____

_____

DATE:_____

ANNEX III a

STUDY DESIGN AND SCHEDULE OF ASSESSMENTS



Weeks	-2(-3)		0	3	6	9	12
Visit	1		2	3	4	5	6
Exercise test 24 h		x[1]	x[2]	x	x	x	x
Medical history	x						
Physical examination	x						x
ECG	x						x
Lab. invest.	x						x
Adverse events			x	x	x	x	x

1 = 14-20 days after visit 1

2 = 1-7 days after the first exercise test

ANNEX III b

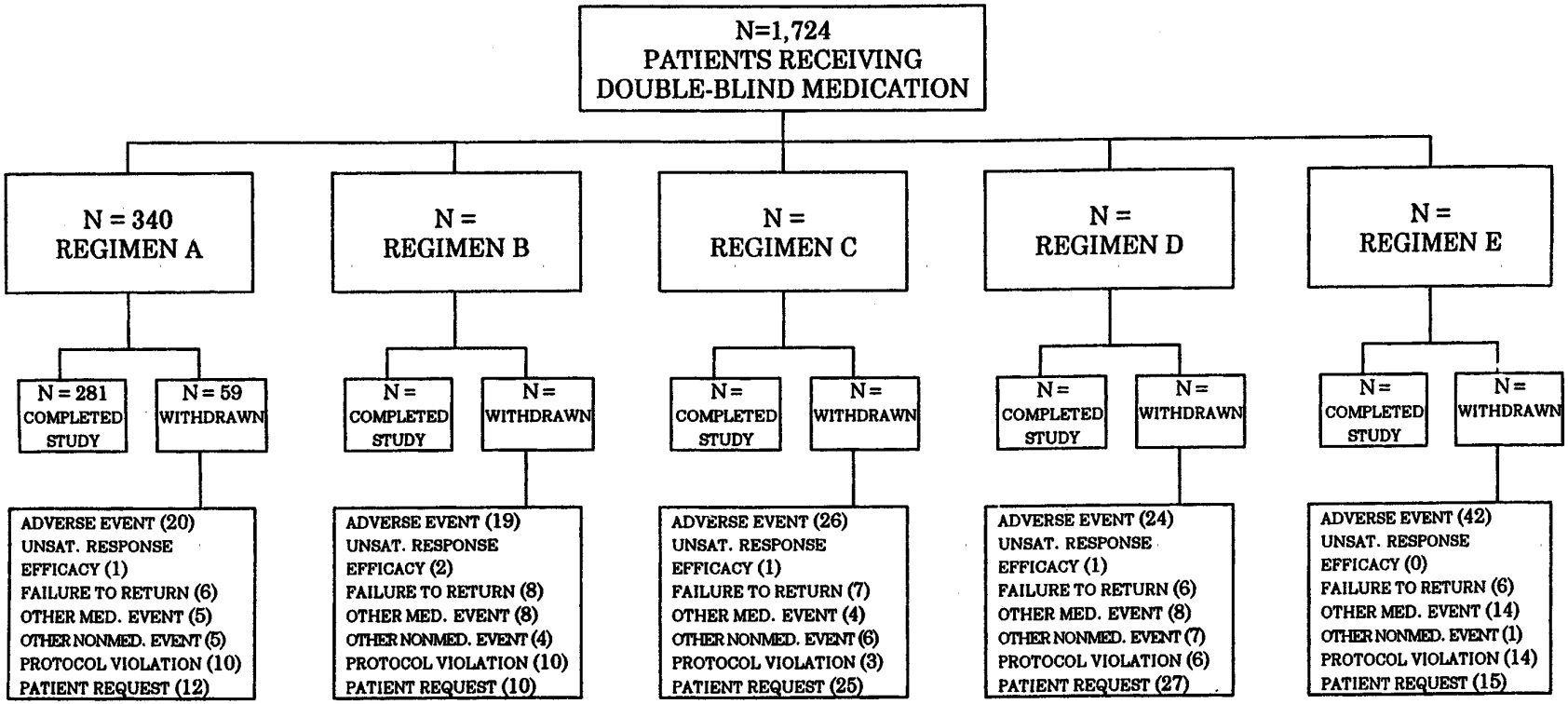
STUDY DESIGN AND SCHEDULE OF ASSESSMENTS

===> insert here : gui10tb.xls

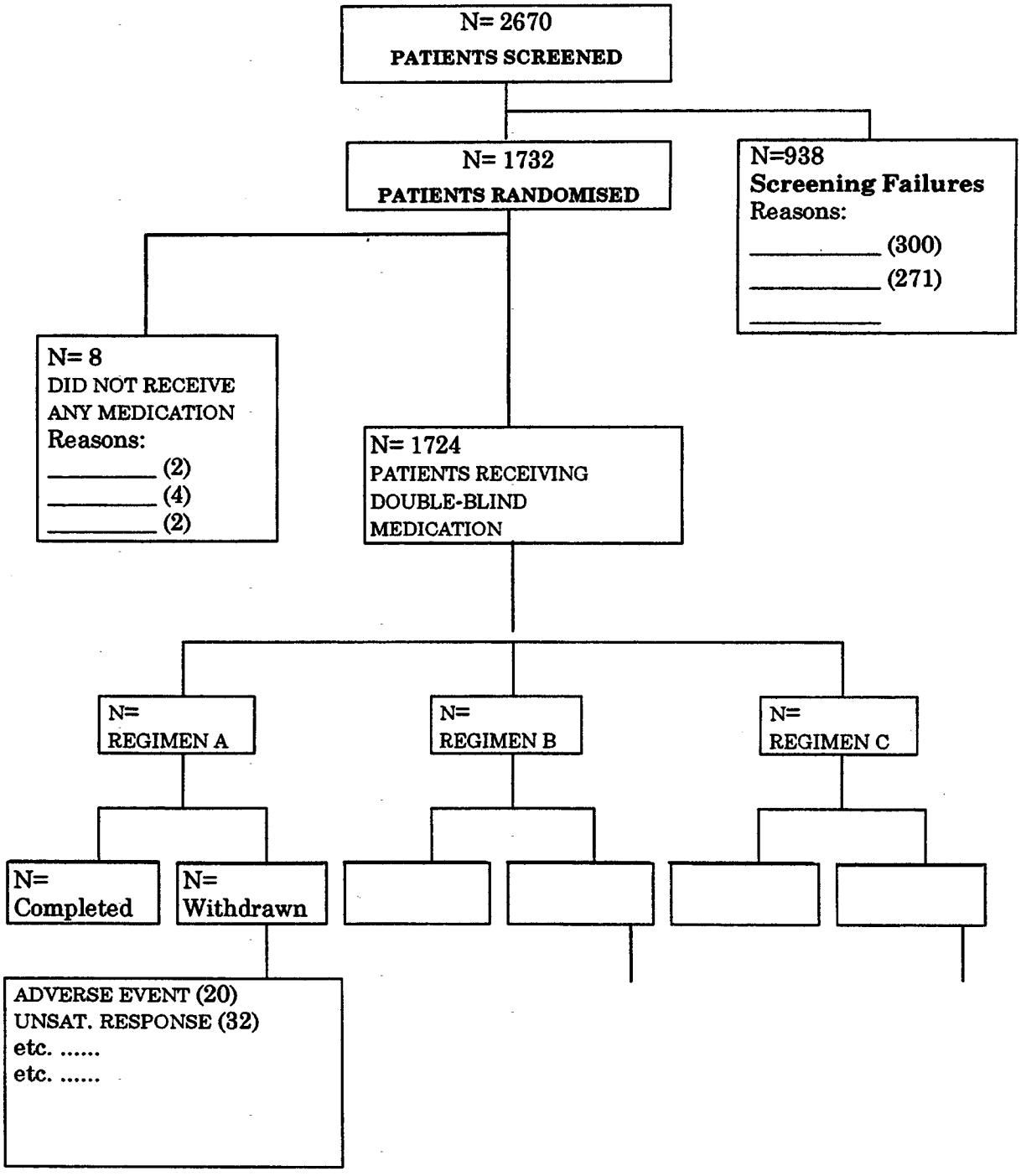
Assessment	Screening	Run-in	Baseline	Treatment				Follow-up		
Study Week	-2	-1	0	1	2	3	4	5	6	8
Informed Consent	X									
History	X									
Physical Exam.	X									X
Effectiveness:										
primary variable	X	X	X	X	X	X	X	X	X	X
secondary variable	X	X	X	X		X			X	X
Safety:										
Adverse events	X	X	X	X	X	X	X	X	X	X
Lab. tests	X		X	X			X		X	X
Body weight	X		X						X	X

ANNEX IV a

DISPOSITION OF PATIENTS



DISPOSITION OF PATIENTS ***ANNEX IV b***



ANNEX V

STUDY #

(Data Set Identification)

LISTING OF PATIENTS WHO DISCONTINUED THERAPY

Centre.:

Treatment	Patient#	Sex	Age	Last Visit	Duration	Dose	Concomitant Medication	Reason for Discontin.
Test Drug/ investigational product								Adverse reaction* • • • Therapy failure

Treatment	Patient#	Sex	Age	Last Visit	Duration	Dose	Concomitant Medication	Reason for Discontin.
Active Control/ Comparator								

Treatment	Patient#	Sex	Age	Last Visit	Duration	Dose	Concomitant Medication	Reason for Discontin.
Placebo								

* The specific reaction leading to discontinuation

(Repeat for other centres)

ANNEX VI

STUDY #

(Data Set Identification)

Listing of Patients and Observations Excluded from Efficacy Analysis

Centre.:

Treatment Patient # Sex Age Observation Excluded Reason(s)

Test Drug/Investigational Product

Treatment Patient # Sex Age Observation Excluded Reason(s)

Active Control/Comparator

Treatment Patient # Sex Age Observation Excluded Reason(s)

Placebo

(Repeat for other centres)

Reference Tables

Summary:

ANNEX VII

STUDY #

(Data Set Identification)

Number of Patients Excluded from Efficacy Analysis

Test Drug/Investigational Product N =

	Week			
Reason	1	2	4	8
Total				

Similar tables should be prepared for the other treatment groups.

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ANNEX VIII

Guidance for Section 11.4.2—Statistical/Analytical Issues and Appendix 16.1.9

A. Statistical Considerations

Details of the statistical analysis performed on each primary efficacy variable should be presented in Appendix 16.1.9. Details reported should include at least the following information:

(a) The statistical model underlying the analysis. This should be presented precisely and completely, using references if necessary.

(b) A statement of the clinical claim tested in precise statistical terms, e.g., in terms of null and alternative hypotheses.

(c) The statistical methods applied to estimate effects, construct confidence intervals, etc. Literature references should be included where appropriate.

(d) The assumptions underlying the statistical methods. It should be shown, insofar as statistically reasonable, that the data satisfy crucial assumptions, especially when necessary to confirm the validity of an inference. When extensive statistical analyses have been performed by the applicant, it is essential to consider the extent to which the analyses were planned prior to the availability of data and, if they were not, how bias was avoided in choosing the particular analysis used as a basis for conclusions. This is particularly important in the case of any subgroup analyses, because if such analyses are not preplanned they will ordinarily not provide an adequate basis for definitive conclusions.

(*i*) In the event data transformation was performed, a rationale for the choice of data transformation along with interpretation of the estimates of treatment effects based on transformed data should be provided.

(*ii*) A discussion of the appropriateness of the choice of statistical procedure and the validity of statistical conclusions will guide the regulatory authority's statistical reviewer in determining whether reanalysis of data is needed.

(e) The test statistic, the sampling distribution of the test statistic under the null hypothesis, the value of the test statistic, significance level (i.e., p-value), and intermediate summary data, in a format that enables the regulatory authority's statistical reviewer to verify the results of the analysis quickly and easily. The p-values should be designated as one or two tailed. The rationale for using a one-tailed test should be provided.

For example, the documentation of a two-sample t-test should consist of the value of the t-statistic, the associated degrees of freedom, the p-value, the two sample sizes, mean and variance for each of the samples, and the pooled estimate of variance. The documentation of multicenter studies analyzed by analysis of variance techniques should include, at a minimum, an analysis of variance table with terms for centers, treatments, their interaction, error, and total. For crossover designs, the documentation should include information regarding sequences, patients within sequences, baselines at the start of each period, washouts and length of washouts, dropouts during each period, treatments, periods, treatment by period interaction, error, and total. For each source of variation, aside from the total, the table should contain the degrees of freedom, the sum of squares, the mean square, the appropriate F-test, the p-value, and the expected mean square.

Intermediate summary data should display the demographic data and response data, averaged or otherwise summarized, for each center-by-treatment combination (or other design characteristic such as sequence) at each observation time.

B. Format and Specifications for Submission of Data Requested by Regulatory Authority's Statistical Reviewers

In the report of each controlled clinical study, there should be data listings (tabulations) of patient data utilized by the sponsor for statistical analyses and tables supporting conclusions and major findings. These data listings are necessary for the regulatory authority's statistical review, and the sponsor may be asked to supply these patient data listings in a computer-readable form.

Dated: July 3, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96–18000 Filed 7–16–96; 8:45 am]

BILLING CODE 4160–01–F

Federal Register

Wednesday
July 17, 1996

Part III

The President

Executive Order 13010—Critical Infrastructure Protection

Federal Register
Vol. 61, No. 138
Wednesday, July 17, 1996

Presidential Documents

Title 3—

The President

Executive Order 13010 of July 15, 1996

Critical Infrastructure Protection

Certain national infrastructures are so vital that their incapacity or destruction would have a debilitating impact on the defense or economic security of the United States. These critical infrastructures include telecommunications, electrical power systems, gas and oil storage and transportation, banking and finance, transportation, water supply systems, emergency services (including medical, police, fire, and rescue), and continuity of government. Threats to these critical infrastructures fall into two categories: physical threats to tangible property (''physical threats''), and threats of electronic, radio-frequency, or computer-based attacks on the information or communications components that control critical infrastructures (''cyber threats''). Because many of these critical infrastructures are owned and operated by the private sector, it is essential that the government and private sector work together to develop a strategy for protecting them and assuring their continued operation.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Establishment.* There is hereby established the President's Commission on Critical Infrastructure Protection (''Commission'').

(a) *Chair.* A qualified individual from outside the Federal Government shall be appointed by the President to serve as Chair of the Commission. The Commission Chair shall be employed on a full-time basis.

(b) *Members.* The head of each of the following executive branch departments and agencies shall nominate not more than two full-time members of the Commission:

(i) Department of the Treasury;

(ii) Department of Justice;

(iii) Department of Defense;

(iv) Department of Commerce;

(v) Department of Transportation;

(vi) Department of Energy;

(vii) Central Intelligence Agency;

(viii) Federal Emergency Management Agency;

(ix) Federal Bureau of Investigation;

(x) National Security Agency.

One of the nominees of each agency may be an individual from outside the Federal Government who shall be employed by the agency on a full-time basis. Each nominee must be approved by the Steering Committee.

Sec. 2. *The Principals Committee.* The Commission shall report to the President through a Principals Committee (''Principals Committee''), which shall review any reports or recommendations before submission to the President. The Principals Committee shall comprise the:

(i) Secretary of the Treasury;

(ii) Secretary of Defense;

(iii) Attorney General;

(iv) Secretary of Commerce;

(v) Secretary of Transportation;

(vi) Secretary of Energy;

(vii) Director of Central Intelligence;

(viii) Director of the Office of Management and Budget;

(ix) Director of the Federal Emergency Management Agency;

(x) Assistant to the President for National Security Affairs;

(xi) Assistant to the Vice President for National Security Affairs.

Sec. 3. *The Steering Committee of the President's Commission on Critical Infrastructure Protection.* A Steering Committee (''Steering Committee'') shall oversee the work of the Commission on behalf of the Principals Committee. The Steering Committee shall comprise four members appointed by the President. One of the members shall be the Chair of the Commission and one shall be an employee of the Executive Office of the President. The Steering Committee will receive regular reports on the progress of the Commission's work and approve the submission of reports to the Principals Committee.

Sec. 4. *Mission.* The Commission shall: (a) within 30 days of this order, produce a statement of its mission objectives, which will elaborate the general objectives set forth in this order, and a detailed schedule for addressing each mission objective, for approval by the Steering Committee;

(b) identify and consult with: (i) elements of the public and private sectors that conduct, support, or contribute to infrastructure assurance; (ii) owners and operators of the critical infrastructures; and (iii) other elements of the public and private sectors, including the Congress, that have an interest in critical infrastructure assurance issues and that may have differing perspectives on these issues;

(c) assess the scope and nature of the vulnerabilities of, and threats to, critical infrastructures;

(d) determine what legal and policy issues are raised by efforts to protect critical infrastructures and assess how these issues should be addressed;

(e) recommend a comprehensive national policy and implementation strategy for protecting critical infrastructures from physical and cyber threats and assuring their continued operation;

(f) propose any statutory or regulatory changes necessary to effect its recommendations; and

(g) produce reports and recommendations to the Steering Committee as they become available; it shall not limit itself to producing one final report.

Sec. 5. *Advisory Committee to the President's Commission on Critical Infrastructure Protection.* (a) The Commission shall receive advice from an advisory committee (''Advisory Committee'') composed of no more than ten individuals appointed by the President from the private sector who are knowledgeable about critical infrastructures. The Advisory Committee shall advise the Commission on the subjects of the Commission's mission in whatever manner the Advisory Committee, the Commission Chair, and the Steering Committee deem appropriate.

(b) A Chair shall be designated by the President from among the members of the Advisory Committee.

(c) The Advisory Committee shall be established in compliance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.). The Department of Defense shall perform the functions of the President under the Federal Advisory Committee Act for the Advisory Committee, except that of reporting to the Congress, in accordance with the guidelines and procedures established by the Administrator of General Services.

Sec. 6. *Administration.* (a) All executive departments and agencies shall cooperate with the Commission and provide such assistance, information, and advice to the Commission as it may request, to the extent permitted by law.

(b) The Commission and the Advisory Committee may hold open and closed hearings, conduct inquiries, and establish subcommittees, as necessary.

(c) Members of the Advisory Committee shall serve without compensation for their work on the Advisory Committee. While engaged in the work of the Advisory Committee, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service.

(d) To the extent permitted by law, and subject to the availability of appropriations, the Department of Defense shall provide the Commission and the Advisory Committee with administrative services, staff, other support services, and such funds as may be necessary for the performance of its functions and shall reimburse the executive branch components that provide representatives to the Commission for the compensation of those representatives.

(e) In order to augment the expertise of the Commission, the Department of Defense may, at the Commission's request, contract for the services of nongovernmental consultants who may prepare analyses, reports, background papers, and other materials for consideration by the Commission. In addition, at the Commission's request, executive departments and agencies shall request that existing Federal advisory committees consider and provide advice on issues of critical infrastructure protection, to the extent permitted by law.

(f) The Commission, the Principals Committee, the Steering Committee, and the Advisory Committee shall terminate 1 year from the date of this order, unless extended by the President prior to that date.

Sec. 7. *Interim Coordinating Mission.* (a) While the Commission is conducting its analysis and until the President has an opportunity to consider and act on its recommendations, there is a need to increase coordination of existing infrastructure protection efforts in order to better address, and prevent, crises that would have a debilitating regional or national impact. There is hereby established an Infrastructure Protection Task Force (''IPTF'') within the Department of Justice, chaired by the Federal Bureau of Investigation, to undertake this interim coordinating mission.

(b) The IPTF will not supplant any existing programs or organizations.

(c) The Steering Committee shall oversee the work of the IPTF.

(d) The IPTF shall include at least one full-time member each from the Federal Bureau of Investigation, the Department of Defense, and the National Security Agency. It shall also receive part-time assistance from other executive branch departments and agencies. Members shall be designated by their departments or agencies on the basis of their expertise in the protection of critical infrastructures. IPTF members' compensation shall be paid by their parent agency or department.

(e) The IPTF's function is to identify and coordinate existing expertise, inside and outside of the Federal Government, to:

(i) provide, or facilitate and coordinate the provision of, expert guidance to critical infrastructures to detect, prevent, halt, or confine an attack and to recover and restore service;

(ii) issue threat and warning notices in the event advance information is obtained about a threat;

(iii) provide training and education on methods of reducing vulnerabilities and responding to attacks on critical infrastructures;

(iv) conduct after-action analysis to determine possible future threats, targets, or methods of attack; and

(v) coordinate with the pertinent law enforcement authorities during or after an attack to facilitate any resulting criminal investigation.

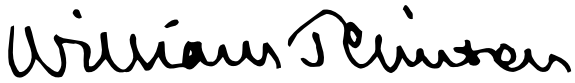
(f) All executive departments and agencies shall cooperate with the IPTF and provide such assistance, information, and advice as the IPTF may request, to the extent permitted by law.

(g) All executive departments and agencies shall share with the IPTF information about threats and warning of attacks, and about actual attacks on critical infrastructures, to the extent permitted by law.

(h) The IPTF shall terminate no later than 180 days after the termination of the Commission, unless extended by the President prior to that date.

Sec. 8. *General.* (a) This order is not intended to change any existing statutes or Executive orders.

(b) This order is not intended to create any right, benefit, trust, or responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
July 15, 1996.

[FR Doc. 96–18351
Filed 7–16–96; 11:24 am]
Billing code 3195–01–P

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Federal Register

Vol. 61, No. 138

Wednesday, July 17, 1996

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AGRICULTURE DEPARTMENT

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COMMERCE DEPARTMENT

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COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

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Sea turtle conservation; shrimp trawling requirements--

Additional turtle excluder device requirements within statistical zones; comments due by 7-24-96; published 6-27-96

Fishery conservation and management:

Limited access management of Federal fisheries in and off of Alaska; comments due by 7-22-96; published 6-25-96

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Acquisition regulations:

Source selection process; comments due by 7-22-96; published 5-21-96

Air pollutants, hazardous; national emission standards:

Radon emissions from phosphogypsum stacks; comment period reopening; comments due by 7-26-96; published 7-10-96

Air programs:

Gasoline retailers and wholesale purchaser-consumer fuel dispensing rate requirements

Implementation date delayed; comments due by 7-26-96; published 6-26-96

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 7-24-96; published 6-24-96

New Mexico; comments due by 7-24-96; published 6-24-96

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Telecommunications Act of 1996; implementation--

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Radio broadcasting:

Grandfathered short-spaced FM stations; comments due by 7-22-96; published 6-27-96

Television broadcasting:

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Major television markets; list; comments due by 7-22-96; published 6-10-96

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